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CAN THE DEMOCRATS WIN THE GROUND WAR AT HOME?

by CHRISTOPHER HAYES

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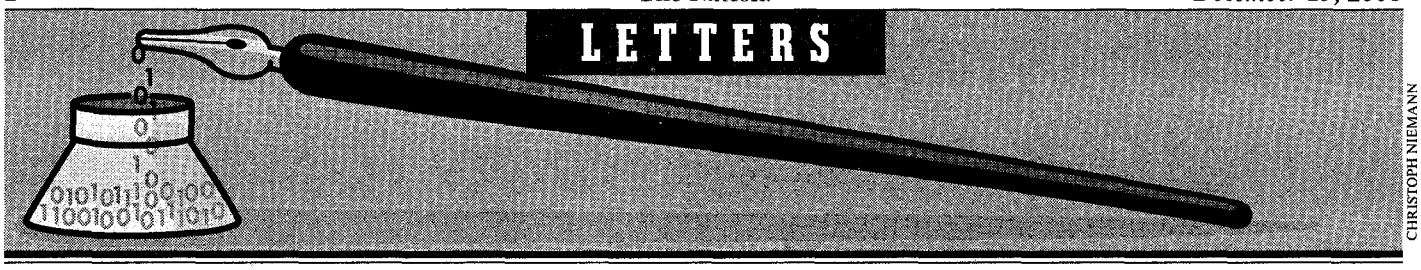

CHRISTOPH NIEMANN

BUSH: INDICTABLE CO-CONSPIRATOR?

Aiken, SC

■ "The White House Criminal Conspiracy" [Nov. 14] by Elizabeth de la Vega is by far the best compilation of the case for the impeachment of George W. Bush I've seen. I can only hope that our legislators read it and act on it. De la Vega is to be commended. PAUL S. MUSE

Elgin, Ill.

■ Elizabeth de la Vega's article should be required reading by all members of Congress and the mainstream media. RON BARKBY

Fort Worth, Tex.

■ Elizabeth de la Vega must be smoking crack. If you have to run such articles to sell the magazine to your core audience, great, but if they believe it they must be retarded. ANDRE YANEZ

Gahanna, Ohio

■ My 20-year-old son, a reservist with the National Guard, is currently serving in Baghdad. Counselor de la Vega confirms what my professional criminal justice experience and education have led me to believe—that is, there are reasons beyond measure to accuse this cabal of crimes under our laws.

People are inclined to think I am against this war because my son is in it. They could not be more wrong. My son is a soldier, and I am proud of him and his commitment. However, *my* commitment is to value his life, as well as all our soldiers' lives, and my country. Taking this country to war based on fabricated evidence, forged documents and illegitimate intelligence is worthy of careful examination. Our country is on a slippery slope. I hope we can catch it before it falls and the rule of law as we knew it in America is gone forever. TERESA DAWSON
Military Families Speak Out/Ohio

Westfield, NJ

■ I fear that as a prosecutor, Elizabeth de la Vega may have "undercharged" the defendants. This was not just some "third rate" attempt to criminally affect a national election (though they're guilty of that, too), or some underhanded money laundering of legitimate defense funds to finance illegal military escapades (though, again...). They said we should fear "mushroom clouds...in forty-five minutes." (Read it again.) This is called "terrorism"—in the form of a bomb threat. P. KEESHAN

Fayetteville, NY

■ Another charge can be added to the case for impeachment. The United Nations was formed to protect the world against aggressive warfare. The United States led the development of the UN and was a principal signer of the UN Charter. Section VI of the Constitution states that treaties the United States signs are the law of the land. By ordering US forces to attack Iraq contrary to the expressed agreement of the Security Council, George W. Bush violated the UN Charter and, therefore, the laws of the United States. FRANCIS J. DURGIN

Valdosta, Ga.

■ So tell me, Ms. de la Vega, what can I do? What can *we* do? And don't just say something tepid like write to your local government official/representative/senator/governor. They are part of the problem, all holding on to their own jobs with vice grips, forgetting that they should be representing us. So I ask you—no, I beg you—to please reveal how we can take back our hijacked nation, a nation that not too long ago was highly regarded as the best place to live on earth but now no doubt is viewed by our global neighbors as a dangerous, reckless country. STEPHANIE APRIGLIANO-KIYAK

Lopez Island, Wash.

■ Elizabeth de la Vega's writing on the White House conspiracy is simple, direct, brilliant and stunning. She outlines the case against the President, for conspiracy and fraud, with such clarity that her conclusion is inescapable: We must pursue this case not as a matter of politics but as a matter of law.

The probability that the Republican Congress will consider impeachment is zero. Are there legal barriers to a class-action lawsuit, charging conspiracy and fraud, brought on behalf of the citizens of the United States? Or on behalf of more than 2,000 American families who have suffered the violent death of a loved one in the chaos of Iraq? R.W. BEHAN

Troy, NY

■ Elizabeth de la Vega's description of "The White House Criminal Conspiracy" is a useful technical exercise, but neither Pat Roberts's Senate Select Committee nor the Gonzales Justice Department nor the House Judiciary Committee will even permit such a discussion.

My question is, Couldn't a broad conspiracy and fraud case be made in other jurisdictions? Didn't the President or Vice President ever end up somewhere in the country where a state or county prosecutor could lodge charges of fraud and conspiracy under state law? After all, when they sought to defraud the nation collectively, weren't they also defrauding each of the states? DAVID SOLOMON

Chicago

■ The attempt by Elizabeth de la Vega to fit the Bush/Cheney duplicity into a traditional fraud framework fails because sufficient information was available at the time, including in the pages of *The Nation*, to debunk all the Administration claims about Iraq's nuclear capability and intentions, as well as the alleged ties to Al Qaeda. Fraud claims cannot stand up when the allegedly defrauded can educate themselves to the truth with minimal investigation. Although Bush/Cheney deserve condemnation in the court of public opinion, the idea that their misrepresentations and misinformation is actionable in a courtroom is specious. The real issue is an uneducated, easily cowed public and the failure of Congress, particularly Democrats, to exercise their powers and duties. A government so easily hijacked needs reform. A public so easily fooled needs to look at itself rather than looking for excuses in the perfidy of its leaders. RICHARD E. STECK

DE LA VEGA REPLIES

Los Gatos, Calif.

■ I thank all the readers who wrote in about my article. Richard Steck's letter is well-written and, in many respects, factually correct. It is true, for example, that information that called into question many of the Administration's claims was publicly available before the invasion of Iraq. But it is not true that "fraud claims cannot stand up when those who are allegedly defrauded can educate themselves to the truth with minimal investigation." The law of fraud is, in fact, quite to the contrary.

The focus of proof in a fraud case, and most criminal cases for that matter, is on the actions of those who are charged with the crime, not the state of mind of those who were targeted. What must be proved is that a defendant intentionally set about to deceive through outright lies, half-truths, misrepresentation or statements made with reckless indifference to the truth. Once that conduct is proved, it doesn't matter legally whether anyone was actually defrauded. Obviously, then, if it turns out that people *are* defrauded, it matters not that they could have avoided being fooled by exercising greater due diligence. As the Court of Appeals for the First Circuit once noted, "It is immaterial whether only the most gullible would have been deceived by the techniques involved. [The law of fraud] protects the naïve as well as the worldly-wise and the former are more in need of protection than the latter."

Ultimately, Steck's position—that we should simply all blame ourselves, end of story—is more of a worldview than a statement of the law. The principle of caveat emptor, or buyer beware, has never been incorporated in the

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EDITORIALS

Anatomy of a Victory

George W. Bush's plan to privatize Social Security, the centerpiece of his second-term agenda, is dead. Conservative pundit William Kristol argues that this Bush defeat began the unraveling of his presidency: "The negative effect of the Social Security [campaign] is underestimated," says Kristol. "Once you make that kind of mistake, people tend to be less deferential to your decisions." There was an "entire Republican agenda, based on the idea that we reform these entitlement programs," says *New York Times* columnist David Brooks. "That's gone now because of the failure of Social Security." A remarkable progressive mobilization caused Bush's defeat—and progressives can learn much from the anatomy of that victory.

For Bush, privatization seemed within reach. He was building on a multiyear, multimillion-dollar conservative campaign that had already convinced influential pundits that Social Security was in trouble and needed reform. Conservative groups pledged to spend more than $50 million on outside ad campaigns. Bush's plan was designed to reassure seniors and those nearing retirement that their benefits wouldn't be touched. It appealed to younger workers by offering the chance of getting rich in the stock market. And the President didn't need overwhelming public support; with House Republican discipline assured, Bush had only to convince five Democratic senators up for re-election in red states to oppose a filibuster. After making Social Security privatization a focal point of his 2005 State of the Union address, Bush quickly visited five of those states to send nervous senators a message.

Bush was defeated because he was challenged from day one by a sophisticated progressive mobilization, spearheaded by the Campaign for America's Future. CAF had begun warning about the right's privatization campaign in 1998, when it mobilized a coalition to challenge President Clinton's flirtation with private accounts, and it took the lead in challenging Bush's Social Security Commission in his first term. So when Bush announced that Social Security "reform" was a top priority, CAF went into action. It used its election day polling to show that Bush had no mandate for privatization. Joining the AFL-CIO, MoveOn.org and USAction, it held press conferences in each of the states Bush visited, detailing the costs to citizens of privatization.

Under the leadership of Gerald McEntee of AFSCME, unions joined CAF, USAction and MoveOn.org to create a war room and coalition of more than 200 groups under the banner of Americans United to Protect Social Security. When Bush launched his Social Security tour, AUPSS was there. No speech or statement went unopposed. AFSCME and the AFL-CIO helped with union fundraising, without which the campaign would have floundered. AARP, the giant retirement conglomerate, chipped in with an independent multimillion-dollar ad campaign.

These efforts were buoyed by Democratic House and Senate leaders Nancy Pelosi and Harry Reid, who resisted demands by pundits and New Democrats like Rahm Emanuel and Gene Sperling that the Democrats come up with their own plan. Pelosi and Reid made the wise strategic decision to keep the focus on Bush's plan. The more Bush traveled and spoke about it, the less people liked it and the more they began to question his judgment and priorities. Democrats learned the value of a unified no.

Republican unity began to crumble. CAF bought an ad in the hometown paper of Louisiana Representative Jim McCrery, Republican chair of the subcommittee in charge of Social Security reform, revealing that he had received hundreds of thousands in

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campaign contributions from Wall Street firms that would profit from privatization. The *Shreveport Times* embraced the CAF argument in an editorial chastising McCrery. Republicans started to get nervous. Senator Lindsey Graham, a vocal supporter of private accounts, realized the problem: Bush "ran on it. We didn't. He's not up for election again. We are."

When Hurricane Katrina struck, Bush surrendered, but his plan was already dead by then. The Social Security defeat shattered GOP unity long before the indictment of Tom DeLay and the public's sharp turn against the Iraq War. It defined core differences between Democrats and the Republican majority. And it demonstrated the power of an organized progressive mobilization that informs citizens and arouses their opposition.

COMMENT

The Abramoff Effect

Last year Ohio Republican Representative Bob Ney, one of Tom DeLay's lieutenants, coasted to re-election by a 2-to-1 margin over an obscure foe. Next year Ney will face an aggressive, well-financed challenge from a former state legislator who is currently the Democratic mayor of one of his district's largest cities. Why the sharp rise in Democratic prospects? Was it mounting frustration with the Iraq War? Concern about the damage done to Ohio's industries by Bush Administration free-trade policies? DeLay's indictment? All were factors in Chillicothe Mayor Joe Sulzer's decision to take on Ney. But the real appeal of the race—as it is with contests involving a growing number of GOP Congressmen—is Ney's link to an old-fashioned bribery and influence-peddling scandal that has already sullied the reputations of some of Washington's most powerful Republicans and that could muddy the 2006 re-election prospects of dozens more.

The burgeoning controversy surrounding Jack Abramoff, a conservative lobbyist whose Washington ties stretched deep into the Bush White House and the Republican Capitol, has yet to gain anywhere near the media attention accorded the CIA Plamegate leak investigation or DeLay's indictment. Yet with the bank fraud indictment of Abramoff now part of a Florida grand jury inquiry and the guilty plea by Michael Scanlon, a former DeLay aide who became Abramoff's partner, on charges of conspiring to bribe a Congressman, the scandal is creating headaches for Republicans—and opportunities for Democrats to turn a national scandal into political pay dirt. Even the *Wall Street Journal* admits that the Abramoff imbroglio "raises the risk of serious embarrassment to the [GOP] before next year's congressional elections." Ohio's Sulzer is making the risk a reality with an in-your-face challenge to Ney, who accepted overseas trips, gifts and hefty campaign donations from Abramoff, allegedly in exchange for using his office to advance the interests of the Indian tribes and casinos that were Abramoff's big-ticket clients. Sulzer says Ohioans "need a Congressman who will...be getting headlines for providing better healthcare or better jobs for our district, not for ethics scandals and investigations."

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COMMENT

There is every reason to believe that candidates in other states can pick up on that theme. Ney is, after all, only "Representative No. 1" in the Justice Department investigation of how Abramoff used ties to top Republicans—going back to college alliances with Grover Norquist, one of Washington's best-connected conservative activists, and Ralph Reed, former executive director of the Christian Coalition—to build a powerful DC lobbying operation. The investigation is already examining his relationships with DeLay, Representative John Doolittle and Senator Conrad Burns, as well as seventeen current and former Congressional aides and two former Bush Administration officials. And that's just the tip of the iceberg. Abramoff had working relationships with dozens of Congressmen, including House Speaker Dennis Hastert, who collected more than $100,000 in campaign contributions from Abramoff's firm and clients between 2001 and '04 and in 2003 urged Interior Secretary Gail Norton to favor the lobbyist's clients in an Indian-gaming dispute; House majority leader Roy Blunt, who accepted at least $8,500 for his PAC and campaign from Abramoff's firm and clients between 1999 and 2003 and who intervened at least three times in matters involving those clients; and California Representative Dana Rohrabacher, who accepted thousands of dollars in campaign contributions from Abramoff and turned up as a financial reference for the lobbyist's purchase of a casino cruise line. Dozens of GOP House members have banked direct contributions from Abramoff.

The lobbyist's ties to Senator Burns, who accepted $150,000 in campaign contributions from Abramoff and his cronies and helped an Abramoff client score a $3 million federal grant, could be an especially big deal in 2006, as Burns's Montana Senate seat is a top Democratic target. Another vulnerable Republican senator, Missouri's Jim Talent, has also been a recipient of Abramoff's largesse. At a point when Democrats are excited by the prospect of picking off GOP Senate seats in blue states Pennsylvania and Rhode Island, as well as the classic swing state of Ohio, blows to Republican incumbents in red states Montana and Missouri make talk of a Democratic turnaround in the Senate credible. Another GOP senator up for re-election next year, John Ensign of Nevada, signed a letter on behalf of Abramoff's tribal clients and accepted $16,293 from the lobbyist, his associates and clients—creating an opening that might not otherwise have been found in a red state that has been trending blue.

To be sure, Democrats have a sorry history of running as reformers. The party's inability to exploit the Enron debacle—at least partly because some Democrats accepted Enron-linked donations—shows there's more to hanging a scandal around your opponents' necks than merely watching it unfold. But because of Abramoff's long and close ties to the GOP establishment, the scandal of this particular lobbyist presents a unique opening. Indeed, while the primary focus should be on House and Senate races, one of the most interesting playouts of Abramoff's troubles may come in Georgia, where his pal from college Republican days, Reed, is running for lieutenant governor. Reed's most aggressive Democratic foe, former State Senator Greg Hecht, has created a model for Democrats seeking to make hay from the scandal by banging away at what he refers to as the Abramoff-Reed scandal. It appears to be working. According to the *Atlanta Journal-Constitution*, Georgia Republicans are worried about polls that show Reed's negatives beginning to move ahead of his positives. If Democrats are smart, they'll recognize that these trends can apply well beyond the borders of Georgia. JOHN NICHOLS

CALVIN TRILLIN

REPREHENSIBLE

(Crooned to the tune of "Unforgettable," that old Nat King Cole favorite, by Dick "Liar Liar Pants on Fire" Cheney)

Reprehensible—that word is for
Charges we misled our folks to war.
Like, despite the facts, I'd demagogue
Atta's meeting with Iraq in Prague.
It still may have been. The facts are not in.

Reprehensible. It's just a crime
Saying that a liar is what I'm.
Like, we talked of mushroom clouds to come
From the tubes made of aluminum.
For all that we knew, it might have been true.

Reprehensible! I'm just appalled
At the sort of names we're being called.
Like we'd say they'd bought some yellowcake
Even when we knew that tale was fake.
Catching us is reprehensible too.

The War on Al Jazeera

If the classified memo detailing President Bush's alleged proposal to bomb the headquarters of Al Jazeera is provided to The Nation, *we will publish the relevant sections. Why is it so vital that this information be made available to the American people? Because if a President who claims to be using the US military to liberate countries in order to spread freedom then conspires to destroy media that fail to echo his sentiments, he does not merely disgrace his office and soil the reputation of his country. He attacks a fundamental principle, freedom of the press—particularly a dissenting and disagreeable press—upon which that country was founded.* —*The Editors*

Nothing puts the lie to the Bush Administration's absurd claim that it invaded Iraq to spread democracy throughout the Middle East more decisively than its ceaseless attacks on Al Jazeera, the institution that has done more than any other to break the stranglehold over information previously held by authoritarian forces, whether monarchs, military strongmen, occupiers or ayatollahs. The United States bombed its offices in

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Ever since the first human went into a dark cave and built a fire, people have realized the importance of proper indoor lighting. Unfortunately, since Edison invented the light bulb, lighting technology has remained relatively prehistoric. Modern light fixtures do little to combat many symptoms of improper lighting, such as eyestrain, dryness or burning. As more and more of us spend longer hours in front of a computer monitor, the results are compounded. And the effects of indoor lighting are not necessarily limited to physical well-being. Many people believe that the quantity and quality of light can play a part in one's mood and work performance. Now there's a better way to bring the positive benefits of natural sunlight indoors.

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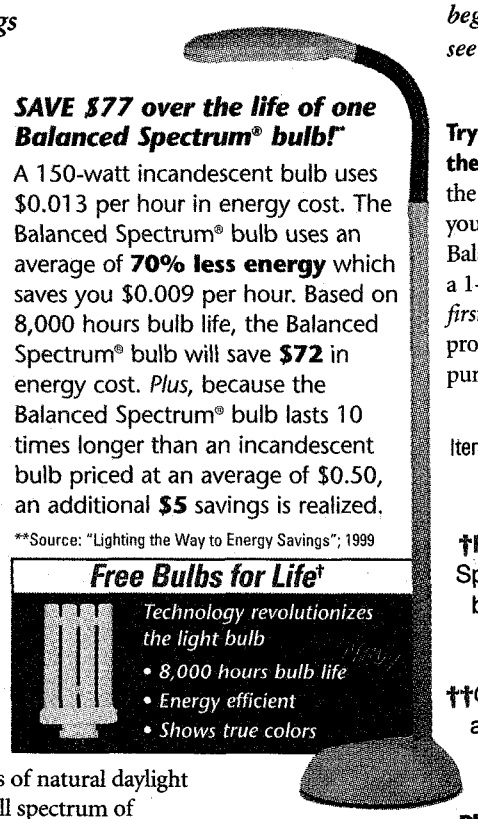

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Afghanistan in 2001, shelled the Basra hotel where Al Jazeera journalists were the only guests in April 2003, killed Iraq correspondent Tareq Ayoub a few days later in Baghdad and imprisoned several Al Jazeera reporters (including at Guantánamo), some of whom say they were tortured. In addition to the military attacks, the US-backed Iraqi government banned the network from reporting in Iraq.

Then in late November came a startling development: Britain's *Daily Mirror* reported that during an April 2004 White House meeting with British Prime Minister Tony Blair, George W. Bush floated the idea of bombing Al Jazeera's international headquarters in Qatar. This allegation was based on leaked "Top Secret" minutes of the Bush-Blair summit. British Attorney General Lord Goldsmith has activated the Official Secrets Act, threatening any publication that publishes any portion of the memo (he has already brought charges against a former Cabinet staffer and a former parliamentary aide). So while we don't yet know the contents of the memo, we do know that at the time of Bush's meeting with Blair, the Administration was in the throes of a very public, high-level temper tantrum directed against Al Jazeera. The meeting took place on April 16, at the peak of the first US siege of Falluja, and Al Jazeera was one of the few news outlets broadcasting from inside the city. Its exclusive footage was being broadcast by every network from CNN to the BBC.

The Falluja offensive, one of the bloodiest assaults of the US occupation, was a turning point. In two weeks that April, thirty marines were killed as local guerrillas resisted US attempts to capture the city. Some 600 Iraqis died, many of them women and children. Al Jazeera broadcast from inside the besieged city, beaming images to the world. On live TV the network gave graphic documentary evidence disproving US denials that it was killing civilians. It was a public relations disaster, and the United States responded by attacking the messenger.

Just a few days before Bush allegedly proposed bombing the network, Al Jazeera's correspondent in Falluja, Ahmed Mansour, reported live on the air, "Last night we were targeted by some tanks, twice...but we escaped. The US wants us out of Falluja, but we will stay." On April 9 Washington demanded that Al Jazeera leave the city as a condition for a cease-fire. The network refused. Mansour wrote that the next day "American fighter jets fired around our new location, and they bombed the house where we had spent the night before, causing the death of the house owner Mr. Hussein Samir. Due to the serious threats we had to stop broadcasting for few days because every time we tried to broadcast the fighter jets spotted us we became under their fire."

On April 11 senior military spokesperson Mark Kimmitt declared, "The stations that are showing Americans intentionally killing women and children are not legitimate news sources. That is propaganda, and that is lies." On April 15 Donald Rumsfeld echoed those remarks in distinctly undiplomatic terms, calling Al Jazeera's reporting "vicious, inaccurate and inexcusable.... It's disgraceful what that station is doing." It was the very next day, according to the *Daily Mirror*, that Bush told Blair of his plan. "He made clear he wanted to bomb al-Jazeera in Qatar and elsewhere," a source told the *Mirror*. "There's no doubt what Bush wanted to do—and no doubt Blair didn't want him to do it."

Al Jazeera's real transgression during the "war on terror" is a simple one: being there. While critical of the Bush Administration and US policy, it is not anti-American—it is independent. In fact, it has angered almost every Arab government at one point or another and has been kicked out of or sanctioned by many Arab countries. It holds the rare distinction of being shut down by both Saddam and the new US-backed government. It was the first Arab station to broadcast interviews with Israeli officials. It is hardly the Al Qaeda mouthpiece the Administration has wanted us to believe it is. The real threat Al Jazeera poses is in its unembedded journalism—precisely what is needed now to uncover the truth about the Bush-Blair meeting.

Conservative British MP Boris Johnson, who is by trade a journalist and is editor of *The Spectator* magazine, has offered to publish the memo if it is leaked to him. It should be published, and if any journal is prosecuted for doing so, it should be backed up by media organizations everywhere. The war against Al Jazeera and other unembedded journalists has been conducted with far too little outcry from the powerful media organizations of the world. It shouldn't take another bombing for this to be a story.

JEREMY SCAHILL

Jeremy Scahill (jeremy@democracynow.org), who reports frequently for Democracy Now!, *is a Puffin Writing Fellow at The Nation Institute.*

Post-9/11 Shell Game

A Swiss friend on his first visit to New York City some years ago happened on a shell game on a sidewalk on lower Broadway. After observing the game for a while, he was sure he could consistently say under which cup the ball was hidden. So he put down some dollars and started betting. He identified the ball correctly five times running, and kept increasing his bets. The sixth time, someone yelled "cops," and the cups, the ball and my friend's money were swiftly packed up and gone. Not subtle, but classic. Welcome to America.

After 9/11, the Bush Administration has adapted this con game, only instead of a ball, they've used José Padilla, the US citizen arrested at O'Hare Airport in May 2002, and instead of cups, they've used the military and criminal justice systems. But the end result is the same: The Administration has thus far succeeded in holding Padilla without charges or a hearing for more than three years, much of it in incommunicado detention. And its latest action—taking Padilla out of military custody and charging him in an ordinary criminal case—seems patently designed to keep hiding the ball, and thereby to keep alive the option (and threat) of holding US citizens arrested here as enemy combatants.

Padilla's story is complicated, but the government's strategy has been simple enough: Above all, avoid accountability. Upon his initial arrest, Padilla was held as a material witness in New York City. But when lawyers appointed to represent him challenged that detention in court, the government spirited Padilla away on the eve of the court hearing. Government lawyers then announced that the judge no longer had jurisdiction because

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Relaxation therapy for your feet

Visco-elastic foam has changed the way people sleep, now it helps the way you walk.

by Leigh Ligon

My feet hurt! How many times have you heard *or* said that...standing in line at the grocery store or simply while doing daily routine tasks? I feel like the older I get the more my feet ache. I've tried elevating my feet, soaking them in a hot water and expensive massage therapy—but to no avail. That's why I'm so excited to tell you about my recent discovery—CLOUD 10 Slippers!

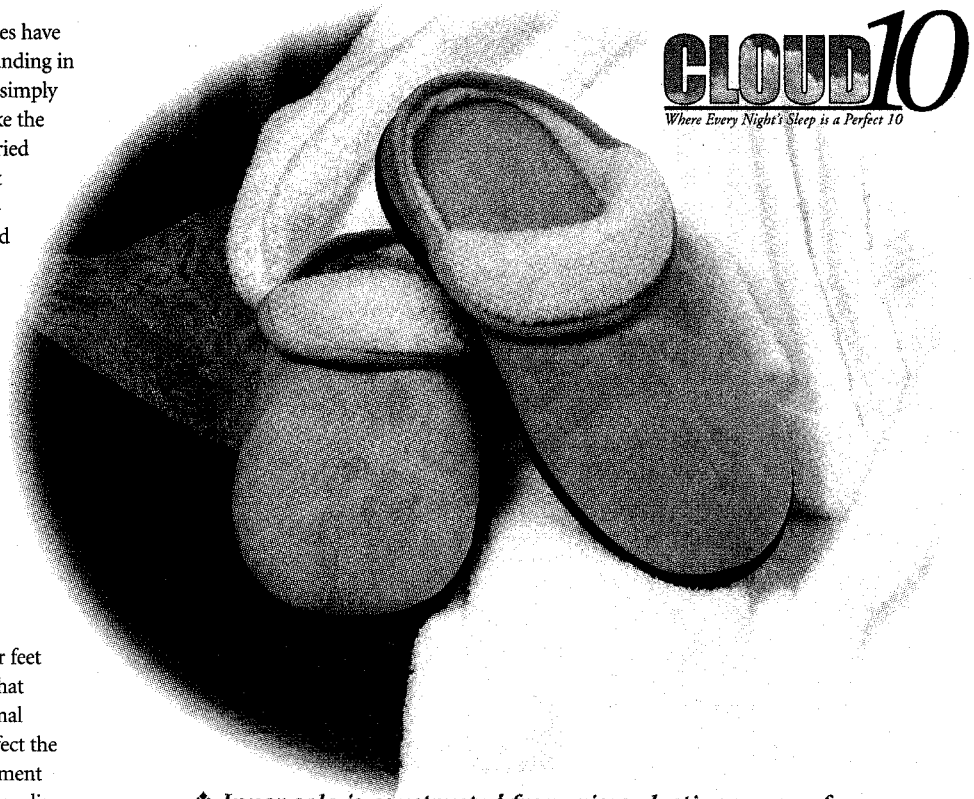
How did a NASA invention save my feet? From the moment I slipped them on, they molded to the shape of my feet like I had a custom fit pair of slippers made especially for me! The slipper's insole is made from visco-elastic memory foam originally created by NASA. This foam equalizes pressure, reduces stress and tension and provides incredible comfort.

According to the American Podiatric Medical Association, as people age, their feet tend to spread, and lose the fatty pads that cushion the bottom of the feet. Additional weight can affect the bone and ligament structure. These slippers mold to the contours of my feet through my body's heat and weight, literally cushioning every single step I take.

Technologically advanced slippers mold to the contours of your feet making each step feel like you're walking on Cloud 10!

Did you know that the average person takes 8,000 to 10,000 steps a day, which adds up to about 115,000 miles over a lifetime? That's enough to go around the circumference of the earth four times. No wonder we all have tired, aching feet.

I've heard about similar kinds of slippers, but I couldn't afford to spend nearly $70 a pair. The Cloud 10 Slippers were a much better fit for my budget. The outer material of these stylish slippers is beautiful tan faux suede and they feature a cozy, fleece-lined interior and collar to provide added warmth. The durable rubber sole is perfect for my quick trips outdoors to grab the morning paper.



❖ Inner sole is constructed from visco-elastic memory foam
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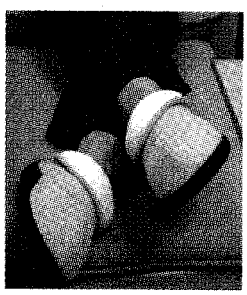
❖ Super-soft, fleece lining provides added warmth
❖ Durable rubber sole—perfect for quick outdoor trips!

If you have arthritic feet like I do, you suffer from inflammation and pain in your joints. Our feet have to last a lifetime and I've decided to stop neglecting the part of my body that keeps me mobile.



These slippers have a unisex design making them great for both men and women. I wear my Cloud 10 Slippers every chance I get and my feet have never felt so pampered.

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COMMENT

George W. Bush had declared Padilla an "enemy combatant."

When Padilla's lawyers challenged this use of the enemy combatant authority to hold a US citizen arrested on domestic soil, far from any battlefield, the government argued that the lawyers were in the wrong court—they should have filed where the military was now holding Padilla, in South Carolina, a state that just happened to be within the jurisdiction of the Court of Appeals for the Fourth Circuit, the most conservative court in the land. In 2004 the Supreme Court narrowly agreed that suit should have been filed in South Carolina, and dismissed Padilla's pending challenge on jurisdictional grounds. Vote-counters noted, however, that were Padilla to refile in the right court, it appeared that five members of the Supreme Court would rule that the government had no authority to hold him. Four Justices dissented in his case, stating that his detention was unlawful. And while Justice Antonin Scalia provided the fifth vote denying jurisdiction, his vote in the related case of Yaser Hamdi made clear that he did not think citizens could be held as enemy combatants short of Congress formally suspending the writ of habeas corpus.

But it takes time to get back to the Supreme Court. Padilla refiled in South Carolina, where he prevailed in the district court but lost in the Fourth Circuit. Now that his case is back before the Supreme Court, the Administration has again shifted tactics, returning Padilla to the criminal justice system and charging him with a bit part in a vague conspiracy to provide material support to unspecified terrorist acts before 9/11.

When Padilla's arrest was first made public, then–Attorney General John Ashcroft held an extraordinary press conference from Russia to announce that the government had disrupted a plot to detonate a radiological "dirty bomb." But those charges fizzled, and when the case was before the Supreme Court in 2004, the deputy attorney general held another press conference, announcing that they now had information that Padilla had been planning to rent an apartment, leave the gas on and ignite it.

But press conference allegations are easy. Now that Padilla has actually been indicted, he is not accused of dirty bombs, apartment fires or any violent act whatsoever. Instead, he is accused of playing a decidedly marginal role in a group that allegedly sought to provide support for unidentified terrorist acts abroad. No one in the conspiracy is accused of engaging in any violence, and Padilla's role is so tangential that he is not even actually accused of providing material support to terrorists. Most of the case consists of fraud and perjury charges against the other defendants. The most interesting fact in the indictment is that one of Padilla's aliases was "Abu Abdullah the Puerto Rican."

What this means is that Padilla will never be charged, and never have his day in court, on the serious allegations bandied about in Justice Department press conferences. More important, the department will not have to defend its detention of him before the Supreme Court. The government has said that its latest moves render Padilla's challenge to his military detention moot; the Court is likely to agree. That leaves untested the President's power to hold any one of us, wherever we are arrested, in incommunicado military detention for an unlimited time. It leaves the government free to invoke that power against criminal defendants otherwise reluctant to plead guilty, or to hold the next José Padilla for at least the years it takes to seek Supreme Court review. Not subtle, but classic. Welcome to America, post-9/11. DAVID COLE

David Cole (cole@law.georgetown.edu), The Nation*'s legal affairs correspondent, is the author of* Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism *(New Press).*

In Fact . . .

HAPPY BIRTHDAY, AUGUSTO

■ Peter Kornbluh writes: Gen. Augusto Pinochet, who turned 90 November 25, spent his birthday under house arrest. Thanksgiving week he was indicted and detained for not one but two major crime sprees, the first for tax evasion and passport fraud in the corruption scandal relating to secret US bank accounts set up by Pinochet and his family in the United States containing more than $27 million. Only minutes after posting bail November 24, he was indicted again and remanded back to his mansion for human rights atrocities. Those atrocities, known as Operation Colombo, are among the most heinous committed during Chile's dictatorship. The second indictment, on charges of "permanent kidnappings," issued by Judge Victor Montiglio, relates to a macabre effort by Pinochet's regime to make some of the 1,100 disappeared Chileans reappear by planting disfigured bodies on the streets of Buenos Aires with false ID cards and creating disinformation to suggest they were missing militants who had died fighting one another outside Chile. The Colombo case marks the fourth time that Pinochet has been indicted since he returned to Chile in March 2000 from his long detention in London. In two previous human rights cases he has successfully argued that he was "mentally unfit" to be prosecuted. But in the Colombo case court-appointed doctors examined him and ruled that while he suffered from mild dementia typical for his age, he was in fact fit to stand trial. At 90, Pinochet is now closer than ever to receiving the gift of justice for his many crimes against humanity.

PUFFIN/*NATION* PRIZE

■ This year's winner of the Puffin/*Nation* Prize for Creative Citizenship is Jonathan Kozol, who has an article in this issue. The $100,000 award, administered by the Puffin Foundation and The Nation Institute, is given annually to an American citizen who challenges the status quo through "socially responsible work of significance." Kozol was honored for exposing in eloquent articles and books like *Death at an Early Age* and *The Shame of the Nation* the damage to children inflicted by class and racial inequality in public education.

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A life-long student of these issues, Professor Robinson is a Philosophy Faculty Member at Oxford University and a distinguished Research Professor, Emeritus, at Georgetown University. He has published well over a dozen books on a remarkable range of subjects, including the connection between his two specialties, philosophy and psychology, and aesthetics, politics, and human nature.

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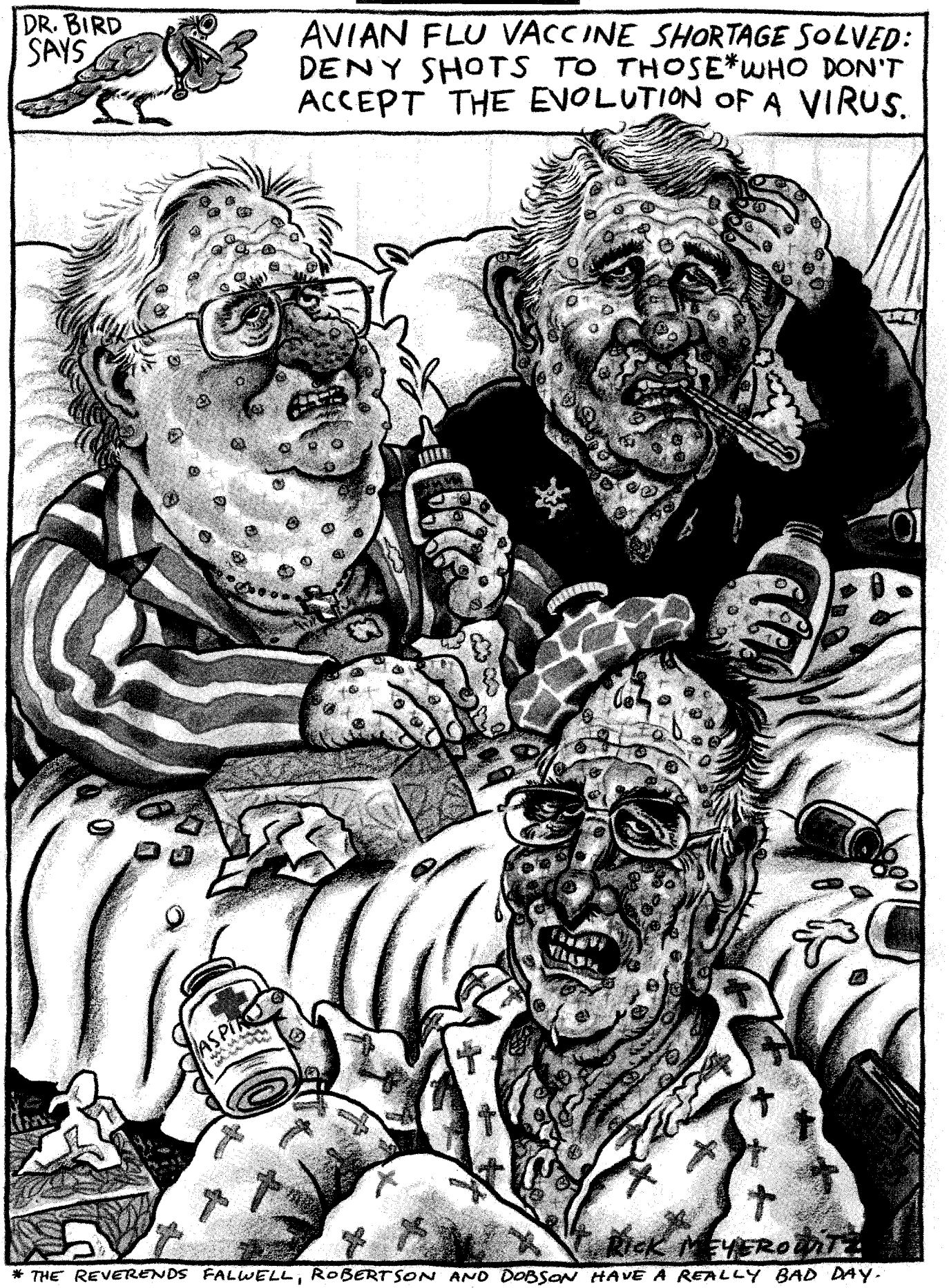
DR. BIRD SAYS
AVIAN FLU VACCINE SHORTAGE SOLVED: DENY SHOTS TO THOSE* WHO DON'T ACCEPT THE EVOLUTION OF A VIRUS.
ASPIRIN
RICK MEYEROWITZ
* THE REVEREND FALWELL, ROBERTSON AND DOBSON HAVE A REALLY BAD DAY.

Rick Meyerowitz

Rick Meyerowitz lives and works in New York City. He specializes in drawing victims of Asian bird flu.

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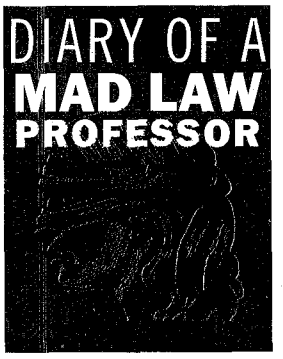
PATRICIA J. WILLIAMS

Killing the Messenger



My goodness, but wasn't it just yesterday we were busy debating right-wing ideologues about how "absolute" the First Amendment is? How worried we were about imposing "speech codes" on frat boys who hurled racist invective and published posters full of equal-opportunity insult? Was it really so very long ago that we of the politically correct groupthink were being denounced for questioning the *Dartmouth Review* for quoting Hitler on its masthead? Of course, for all the cries of "absolute" free speech and press, the First Amendment is not, never has been, without boundary. Perjury, conspiracy, libel laws—these are all limits, as is the need for national security, particularly in wartime. Nevertheless, I had thought of freedom of speech and the press as such secure tenets of the American enterprise that we would always adhere to them in principle, even if the balancing of knowledge and privacy, speech and harm, would be a matter of eternal contention.

These days, however, I get the sense that a rather solid bloc of the current Administration would rather chuck it all, in favor of the cold efficiency of what Vladimir Putin so enthusiastically urges for Russia, to wit, a "dictatorship of law." I hadn't a clue as to what that term might mean until I started pondering the brouhaha, much more publicized in Britain than here, about a memo detailing an alleged conversation between President Bush and Prime Minister Blair at the peak of the first American assault on Falluja, in 2004. According to an exclusive in Britain's *Daily Mirror*, Bush wanted to bomb the Qatar headquarters of Al Jazeera, but Blair dissuaded him. The British Attorney General has brought charges against two government employees implicated in the leak of the memo and after the story ran in the *Mirror*, the government invoked Section Five of the Official Secrets Act, promising to prosecute any journalist who published its contents. This attracted even more attention—not simply because it implied that there was truth to the story but because targeting the media is an unprecedented use of the Official Secrets Act.

For now, I don't want to join the speculation about whether the memo is being suppressed because it's sensationally true or because it's sensationally false. Rather, what gets me is a debate on the BBC that I almost slept through. Proper British accents had been droning on about tabloid versus credible sources. What woke me up was the flat mid-Atlantic intonation of a man named Frank Gaffney, an American policy analyst who jumped right in to defend bombing the media: He called Al Jazeera an "instrument of enemy propaganda" that was "actively aiding our foes." It was, he insisted, "appropriate to talk about what you do to neutralize it." Al Jazeera was "squarely in the target" and "fair game."

Gaffney, it turns out, has been urging this course for a while now. In 2003 he published a piece on the Fox News website urging that the United States take "comprehensive action against Al Jazeera and Al Arabiya" for their "incessant drumbeat of Muslim victimization, anti-Western vituperation and approval for acts of violence." He counseled that they be "taken off the air, one way or another," that it was "imperative that enemy media be taken down." Those "who will decry this as censorship," he wrote, "should be reminded of President Bush's injunction shortly after we were attacked.... In the War on Terror, you are either with us or with the terrorists."

It's one thing to plant stories and mount disinformation campaigns as a way of winning hearts and minds, as our State Department seems bent on doing. It's one thing to jam broadcasts, as we have often done with Cuban media. It's one thing to imprison journalists and their sources, as Britain seems on the verge of doing; or even, in the more extreme context of martial law, to torture them, as Jacobo Timerman described so chillingly in his slim book *Prisoner Without a Name, Cell Without a Number*. However unappetizing those strategies may be, it's quite a different species of response to propose—never mind defend—bombing the headquarters of a media outlet located within the borders of an ally with whom we are not at war, a media outlet staffed with civilians, serving a minimum of 50 million people throughout the Arab world. Gaffney complains that Al Jazeera has "made a fetish of broadcasting murderous attacks on Americans and their Iraqi and coalition allies, often accompanied by commentary or 'news analysis' that makes no effort to conceal that the speakers' sympathies lie with the perpetrators." Seriously: We're going to bomb away the sympathies of 50 million people?

I do not wish to put Gaffney's remarks into President Bush's mouth. The White House called the *Mirror*'s story "outlandish." Yet Gaffney is no random voice. During the Reagan Administration he was the Assistant Secretary of Defense for International Security Policy, the Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy, and a professional staff member on the Senate Armed Services Committee. The Center for Security Policy, of which he is president and CEO, is generously funded by the Sarah Scaife, John M. Olin and Lynde and Harry Bradley foundations, among others. Douglas Feith and Richard Perle are both associated with the center. It is startling, therefore, to read Gaffney's quite literal embrace of "killing the messenger." More arresting still is how similar his indictment is to the White House's condemnation of Democrats and "liberals" in our own domestic culture wars. Bill Maher, Michael Moore, Linda Ronstadt, Senators Robert Byrd and John Kerry and Representatives Barbara Lee and now John Murtha have all been denounced by Republicans as dupes of enemy propaganda. Words like "unpatriotic" and "cowardly" fly about in the halls of Congress. More than once, dissent has been cast as incitement, as sympathizing with terrorism, as treason. Treason, however, is a capital offense. I assume all this is merely polemical. Similarly, I assume that the actual bombings of Al Jazeera offices in Baghdad and Kabul by US military were, as the Defense Department has maintained, accidents. Yet there on the BBC, I heard Gaffney actually decrying disagreement as the ultimate betrayal, worthy of extinction. ■

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ERIC ALTERMAN

The Putsch at Public Broadcasting

Fifteen months ago I wrote in this space, "Given the right's domination of television talk shows and its already strong representation on public broadcasting, the only imaginable explanation for the decision to put PBS resources in the hands of well-financed, well-distributed, unabashedly partisan and journalistically challenged ideologues can be naked political pressure." I had no idea at the time just how powerful that pressure was and how high in the echelons of the Bush Administration it went.

An investigation by the Corporation for Public Broadcasting's inspector general, Kenneth Konz, found that its former chair, Kenneth Tomlinson, consistently violated its statutory provisions and the Director's Code of Ethics. Thanks to Konz, we now know that Tomlinson was receiving advice and possibly instructions directly from the top—(acting President) Karl Rove. It's hard to believe America's second most influential politician (just behind Dick Cheney), while being investigated for possibly illegally leaking the name of CIA agent Valerie Plame, cared enough about PBS's prime-time programming to plot the overthrow of Bill Moyers. But the e-mail traffic appears to bear it out. The only sensible explanation is the meta one. Bush II brooks no dissent from anyone anywhere in government or the media, whether it comes from CIA agents' husbands, EPA scientists, Medicare economists or public television broadcasters (including, it turns out, cartoon rabbits).

Unfortunately for Rove & Co., Tomlinson's performance puts one in mind of the Michael Brown School of Management. He forced out the professionals and replaced them with Republican fundraisers and right-wing hacks. CPB's new chair, Cheryl Halpern, together with her husband, as *Mother Jones* reports, contributed a total of $81,800 to Bush and other Republicans; she lists her occupation variously as attorney, real estate developer, self-employed and housewife. Vice chair Gay Hart Gaines, an interior decorator, was formerly chair of Newt Gingrich's GOPAC. President Patricia de Stacy Harrison is a former RNC co-chair. In addition, Tomlinson created slush funds to hire mysterious lobbyists, consultants and media monitors and to create phony data with which to argue his case before Congress. He doled out millions to conservatives like the now canceled Tucker Carlson and the *Wall Street Journal* editorial page editors to get their programs on the air, and sought to undermine the funding of those who resisted.

All of this is evident from a reading of Konz's report. We can also see from e-mail traffic between Tomlinson and *Wall Street Journal* editorial page editor Paul Gigot—helpfully released by Gigot—that Tomlinson bragged to Gigot, regarding past PBS president Pat Mitchell, that he would "hold up her money if she doesn't deliver" on the *Journal*'s pundit chat show. Indeed, he fired off e-mails to CPB staff members telling them to threaten a cutoff unless PBS adopted his concept of ideological "balance." Mitchell complied, as the only means of protecting Moyers's program.

At one point in the correspondence, yours truly makes a cameo appearance with journalist Morton Mintz—in my case because of concern that my column cited above might muck up their plans. For protection, Gigot suggests Tomlinson empower someone to "collect string on the two and show how left they really are." Tomlinson asks Gigot for help "to set some backfires" and promises "to get someone interested in laughing at these clowns."

This might have been the origins of Tomlinson's decision to hire "Fred Mann" to monitor Moyers's program, along with the NPR shows hosted by Diane Rehm and Tavis Smiley. I use quotation marks because nobody has been able to verify the existence of the alleged Mr. Mann. All we know about him is that he is said to be the product of M. Stanton Evans's right-wing ideology factory, misleadingly named the National Journalism Center, and is listed as having been paid more than $14,000 to do incompetently what could easily have been done for nothing by any half-witted high school student with a broadband connection. For the purposes of the Mann/Tomlinson System of Ideological Identification, reporters like the *Washington Post*'s Dana Priest, Robin Wright and Walter Pincus qualify as "liberals," as do, I kid you not, Republican Senator Chuck Hagel and former right-wing Georgia Congressman and impeachment impresario Bob Barr.

The same overwrought notion of ideological "balance" characterizes Tomlinson's choice for the new position of CPB ombudsman. (NPR already had its own ombudsman and PBS just got one, making four bias watchdogs in all.) Of the two hired by Tomlinson, William Schulz is the more typical Bush II personality: a former Tomlinson crony and ex-writer for the McCarthyite radio broadcaster Fulton Lewis Jr. The second, Ken Bode, is the alleged "liberal," offering "balance." Bode is a respected journalist and educator, but he is no liberal. He endorsed former Bush budget director Mitch Daniels in the Indiana governor's race and is an adjunct fellow at the right-wing Hudson Institute.

With the professionals increasingly forced out at the top and replaced by right-wing Republican fundraisers with little if any relevant experience, the right-wing takeover of CPB is now plain for all to see. Early results include a multimillion-dollar taxpayer subsidy to the billion-dollar Dow Jones corporation to reproduce *Journal Editorial Report*, a show almost identical to the one canceled years ago by CNBC. (Unlike Bill Moyers on *NOW*, the *Journal* editors do not bother with actual reporting, or contrary views.) But much remains unanswered. Why did Tomlinson go to so much trouble to funnel money in secret to the "Mann," in Indiana? Is there more, as yet unreleased, in the report? What, ultimately, was its intended purpose—another McCarthy-style blacklist or just a Nixonian "enemies list"? Did Gigot make any unpublished promises about lending the *Journal* edit pages to these purposes? And why did Tomlinson feel compelled to lie to Senator Byron Dorgan when questioned about the secret Mann deal, falsely insisting that another CPB executive had "approved and signed" the Mann contract when in fact he had signed it himself? And finally, what else are they hiding? ■

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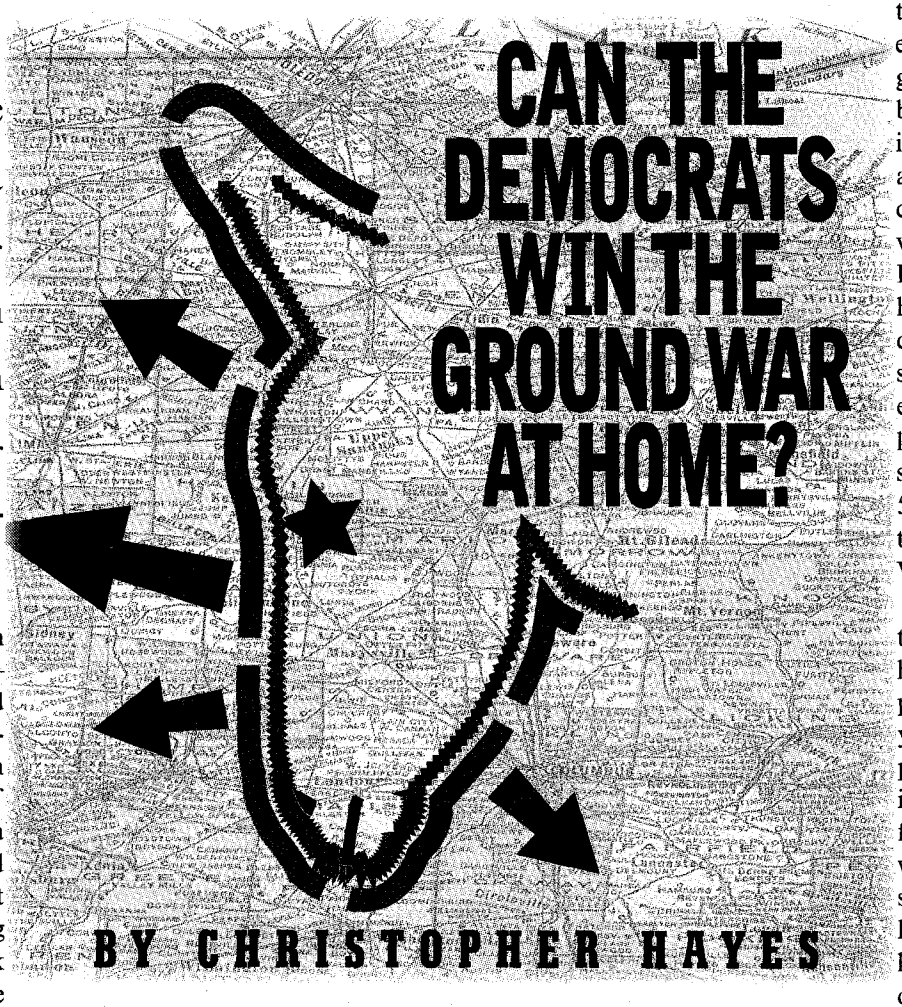
ARTICLES

CAN THE DEMOCRATS WIN THE GROUND WAR AT HOME?

BY CHRISTOPHER HAYES

"We progressives, we just keep going back for more and more punishment," Rachel Barber says to me between sips of coffee. "We never learn." It's just after 9 AM on a wickedly gray, damp October Saturday in Westerville, Ohio, just outside Columbus. Barber, a music teacher with a sunny demeanor, is sitting in a union hall with 150 other volunteers and grassroots activists.



If you had fallen asleep, Rip Van Winkle–like, a year ago and awoken inside this meeting room, draped with the familiar banners of Democracy for America and America Votes and overflowing with earnest volunteers munching on bagels, you'd think it was still 2004 and the quest to defeat Bush was at its height. But it's 2005, and Bush hardly gets a mention. The volunteers are here to help pass a November ballot initiative called Reform Ohio Now (RON), a package of reforms aimed at the increasingly wide-reaching scandals of the state's governing Republican machine.

Herb Asher, an Ohio State University political science professor emeritus who helped initiate RON, warns the room that they face a formidable opponent: "Most of the Republican grassroots organization is intact because the people involved were from right here in Ohio. And a lot of the people who supported our side were from out of state. So the fact is, we're bragging about our grassroots organization, but let me tell you: We have to work hard just to match them." Asher proves prescient. Despite polls late in the campaign that indicated several of the RON initiatives would pass, all four were defeated by large margins.

Last year's presidential election inspired an unprecedented mobilization on both the left and the right, but while the pro-Bush mobilization happened primarily within the channels of the Republican Party, things were far different on the left. Because the McCain-Feingold campaign-finance-reform law banned the unrestricted donations called "soft money," which had previously formed the financial backbone of the Democratic Party, a broad coalition of independent organizations arose to accept the checks the party could no longer take. These "527" organizations, most notable among them America Coming Together and the America Votes coalition, executed their very own campaign on Kerry's behalf, raising hundreds of millions of dollars, training thousands of new organizers and contacting millions of voters. (Conservatives made use of 527s as well, most notoriously the Swift Boat Veterans for Truth.)

Given the Bush victory, Democrats could hardly call the enterprise a success. But last year's mobilization pointed the way—albeit in a sometimes dysfunctional fashion—toward a future progressive movement radically different from the loose conglomeration of Washington–based issue-advocacy organizations that have dominated the liberal-left since the 1970s. "Last year was the League of Nations phase of the left's reorganization," says Dan Berwick, who managed several swing-state field programs for the League of Conservation Voters. "The basic idea—the basic need—was identified and addressed but with at best marginal success."

There were three key features of last year's effort. First, the 527s and their issue-advocacy partners in the institutional left rediscovered old-fashioned, face-to-face voter contact. While the bulk of this work was carried out by paid canvassers, a significant

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portion was done by volunteers—hundreds of thousands of them, often in unfamiliar terrain and at great personal sacrifice, renting vans, driving to swing states and sleeping on floors. Second, without a Democratic Party or candidate's campaign to coordinate efforts, the disparate groups within the broad America Votes coalition, from the NAACP National Voter Fund to MoveOn.org to the Sierra Club, had to figure out a way to work together. In many places coordination was flawed, but the presence of any coordination at all was a serious breakthrough. Finally, there was the money: The 2004 election was the most expensive exercise of democracy in history, and for the first time in recent memory the center-left was able to keep pace with the corporate loaves-and-fishes bank account that is the Republican Party.

"Infrastructure" is a word so resolutely unsexy it makes "think tank" sound erotic. These days, though, you can't get five minutes into a conversation with a strategist, activist or donor without the word cropping up. Since the infrastructure last year was built, like a refugee camp, for a short-term purpose, you might think that a year later the camp has been struck, with the equipment rolled up and stored away for the next election. That's partly true—America Coming Together announced this past summer that it could raise only enough money to continue as a skeletal research organization, and dozens of the grassroots groups founded last year have folded as well.

ACT may have met its demise, but other groups are attempting to carry out the vision of permanent, locally based organizing.

But it's striking just how much has carried over. Democracy for America meetings in cities from Austin to Cincinnati draw hundreds, and there are small, informal progressive groups meeting at this moment in some of the most conservative counties in the country. None of this existed just three years ago. Dozens if not hundreds of activists who worked on last year's election are now running for local office, and the big institutional players like the labor and environmental movements continue to build power through grassroots organizing. "It wasn't a blip," says Robert Kraig, political director of the Service Employees International Union (SEIU) in Wisconsin. "It was part of something that's seriously going on, on the left."

Steve Rosenthal, co-founder and CEO of America Coming Together, sits on an early September morning in the organization's Washington headquarters, in a small office strewn with reports and campaign detritus. He's a short, sturdy man with a blunt but appealing manner. When I casually refer to him as an organizer he interrupts to say, "Thank you, that's the highest praise you could offer," and blushes a little.

Last year ACT was the 800-pound gorilla of the 527s. It had a budget of $142 million and offices in seventeen states, hired more than 3,000 canvassers and knocked on 16 million doors. It was also one of the strangest organizations in American political history: a campaign with a candidate it could not mention, a movement with a focus-group-tested platform and an old-fashioned door-to-door field operation funded largely by billionaire financier George Soros. Because of its size and novelty, it attracted a lot of finger-pointing in the wake of last year's defeat. Rosenthal still chafes at the charge that ACT failed to capitalize on the millions it raised. "We're seeing everywhere we look that this kind of stuff made a huge difference," he says a touch defensively.

For years Rosenthal had been a prophet of the power of face-to-face voter contact, convinced of its effectiveness by his experience as political director of the AFL-CIO, where he used this method to increase union household turnout by 4.8 million votes at a time when nonunion-household turnout had declined by 15 million. "Field," as door-to-door politicking is known, is the neglected grandparent of campaigning. Labor-intensive and time-consuming, it was considered inefficient by political professionals in an age when a single TV ad could reach millions of viewers. "There are many of us who spent a lifetime advocating grassroots voter-to-voter contact as an alternative to TV," says Rosenthal. "We fought this out with the party and the candidates for years."

In the 2004 election cycle a confluence of factors brought much of the political establishment around to Rosenthal's view. With the growth of cable, the decline of the networks and the rise of TiVo, there's no longer a single venue where an ad is guaranteed a wide swath of the electorate. Besides, voters are so bombarded with advertising these days that they screen much of it out. And with the GOP getting better and better at get-out-the-vote operations, or GOTV, the final outcome could be determined by just how well the left got out its own base.

ACT's plan was to layer phone calls, direct mail and, most important, door-to-door conversations to boost turnout among Democrats and persuade undecideds. Rosenthal is adamant that it worked. In most of the contested swing states Kerry's vote totals were greater than Gore's in 2000. But Rosenthal hands me a postmortem study ACT conducted showing that in urban counties such as Philadelphia and Cuyahoga, in which ACT was involved, Kerry's percentage increase over Gore was anywhere between ten and thirty points more than his increase in the demographically similar county of Wayne, Michigan, where ACT had no presence. Rosenthal is joined by others, including independent political analyst Charlie Cook and even RNC chair Ken Mehlman, who credited ACT's "turnout prowess" for keeping Kerry within "striking range."

Even if ACT did significantly boost Kerry's vote totals in key states, it was, according to many who worked for it, hamstrung because it was erected on a massive scale in just a year and was disconnected from any pre-existing local infrastructure. Its approach was more like door-to-door sales—a stranger at the door with a pitch—than the old-fashioned precinct captain who knows the name and birthday of everyone in the household. High-level staff was brought in from out of state, as were canvassers, many of whom were union members on loan from SEIU working on foreign terrain. This sort of trans-geographical politicking reached its logically absurd conclusion when a British newspaper urged its readers to call Ohio citizens and convince them to vote for Kerry. Needless to say, it often backfired.

As an alternative, consider Arnie Graf, who's been an organizer

Christopher Hayes is a senior editor of In These Times.

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with the Industrial Areas Foundation for thirty years. Graf and about ten fellow community organizers from Maryland and DC took the last two weeks of the 2004 election off and headed to East Cleveland, a city of about 30,000 mostly poor and working-class African-Americans. They had been invited by a community-based organization that set them up in a local church to work on boosting voter turnout in the city. "We learned as much as we could about East Cleveland and got to know the issues," says Graf. "We wound up covering every door, about 30,000 people, and we decided instead of canvassing and talking about Iraq or how many jobs had been lost in Ohio we would talk to people about what was happening in East Cleveland." Through the network of the East Cleveland Concerned Pastors for Progress, they recruited 140 volunteers who went door to door among their neighbors, and when election day was over Kerry's vote total in East Cleveland exceeded Gore's by 97 percent.

'Right now, the level of coordinated planning among all the various elements of the left is entirely unprecedented.'—Robert Kraig, SEIU

Rosenthal acknowledges that for the long term, it's crucial to organize from the bottom up. In a business plan circulated after the election, ACT painted a picture of a kind of ACT 2.0, with deeper local roots, a focus on local issues and races and a mission of training a permanent, stable cohort of professional organizers. "The greatest experience for me," says Rosenthal, "was going out to places and seeing young organizers who knew how to cut walk lists and put material together and run a GOTV. That was one of the stated missions from the beginning: We were going to train a whole new generation of organizers, and we were going to figure out a way to keep them working year-round."

But ACT's chief benefactors, most notably George Soros, balked. ACT's founders, says one source close to Soros, "had for a long time thought it would be a good idea to have something like ACT as a going concern. But that's not what George funded. He doesn't feel that he wasted his money. ACT did what it said it would do.... But the notion that it was ever an idea that he would give $20 million to ACT for 2005 was not on the books." This strange marriage of grassroots organizing and wealthy funding ended, at least for the time being, in an abrupt if amicable divorce.

While ACT may have met its demise, the vision of permanent, grassroots, locally based organizing is exactly what other groups across the country are now attempting to put in place. It's hard to overstate just how much of a sea change this is. Beginning in the 1970s, as the 1960s social movements became institutionalized and moved to Washington to work on legislative advocacy, there were fewer and fewer organizers in the field, with the notable exception of groups like ACORN and the PIRGs. Community organizers like Graf continued to organize in the inner city, but they've traditionally eschewed electoral work. Unions retained the largest local presence, but the labor movement had been in decline for decades. At the same time, the Democratic Party's organization had atrophied so thoroughly that by the late 1990s the party had become, in the words of one organizer, little more than a "brand name and a bank account."

If liberals substituted financial capital for social capital, as Harvard political scientist Robert Putnam puts it, ACT attempted to convert financial capital into social capital, to turn money from donors into a web of relationships with voters. It was an inefficient process, and if there's a single difference between the state of progressive politics before last year and after, it's the organic regeneration of this kind of social capital.

Consider Paul Hackett's near-upset victory in an August special election for a Congressional seat in Ohio's conservative Second District. Before the race became the focus of national attention and blogger fundraising, Hackett campaign manager David Woodruff had a shoestring budget and a staff of three. So he turned to members of the Hamilton County Democratic Forum, a group of local activists who'd banded together after the presidential campaign in an attempt to maintain the momentum they'd built up. They continued to meet regularly and reached out to Woodruff, who came to rely on them. "I could call this organization and say, Could you guys get me every veterans' bill that's come before Congress in the last year and a half?" says Woodruff. "They'd meet that Tuesday and Thursday night and pull it together."

"Last year, if you had an Internet connection and a computer and two friends, you had an organization," says America Votes Ohio director Scott Nunnery. "I talked to a woman on the phone the other day, and she was offended I didn't know who she was. 'I'm the chairperson of GAG,' she said. I'm like, 'What's GAG?' She's like, 'Grandmothers Against George!'" In Ohio alone, dozens of the groups started during or immediately after the 2004 campaign, like the Perry County Democratic Forum and Upper Arlington Progressive Action, are still going strong.

With so many different organizations, effective coordination has become essential. To stave off chaos, last year the small, sparsely staffed group America Votes was given the job of playing "traffic cop of the progressive community," in the words of its president, Cecile Richards. "By the end of the election," she says, "people really did give up their own institutional program and their own identity to throw in together."

That's probably a bit of an overstatement, but America Votes did have one unambiguous triumph: All (well, nearly all) of the members of the coalition used the same voter file, known as the ACT VAN, entering information procured by canvassers and phone bankers about which way voters were leaning and important issues for the undecided. This meant that when election day came around and it was time to divvy up GOTV tasks, everyone was working from the same information. The ACT VAN might be last year's most concrete achievement, and it could serve as a cornerstone for a kind of permanent shared voter file for progressive organizers. "Data and voter files are to politics for the next ten years what media have been for the last twenty," says Rosenthal.

But other than the ACT VAN, the coordination was weak. Except for volunteer contacts and membership lists—which the coalition partners were loath to share—the overwhelming majority of America Votes members had little local capacity

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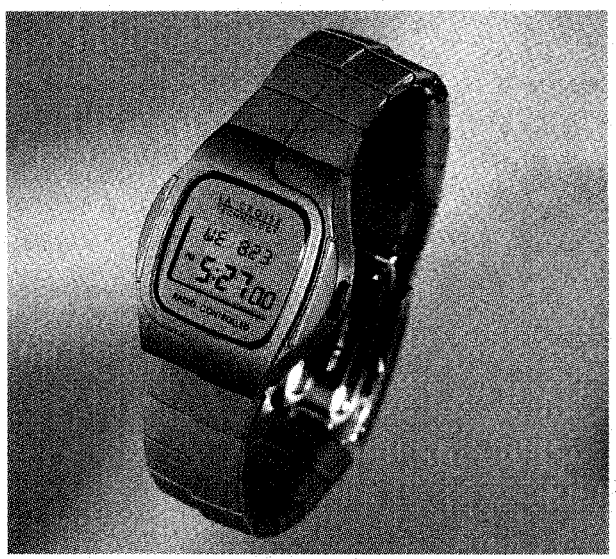

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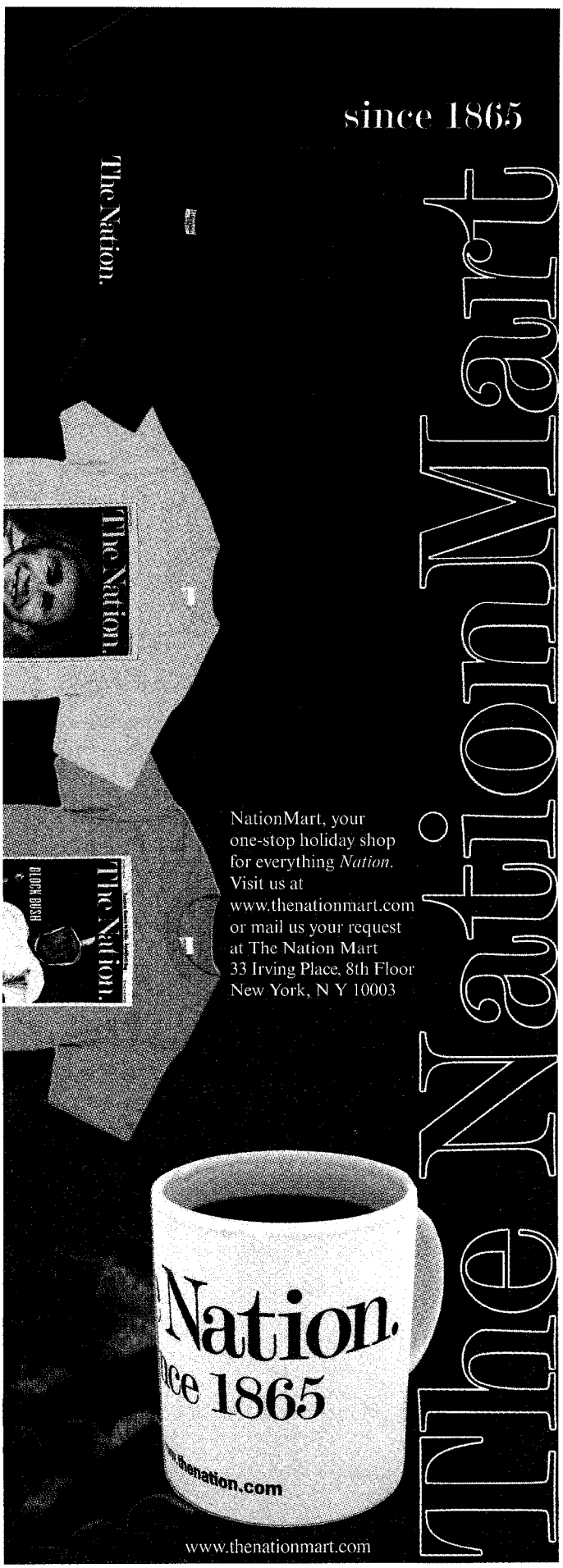
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to contribute to a field or GOTV effort. Many of the America Votes partners didn't even start talking to one another until a week before the election. But the failures of coordination as much as the successes convinced many strategists of the need for a permanent platform for collaboration at the state level. "It's a totally different way of approaching the work," says Richards. "Campaigns are by necessity short-term-focused and completely tactical. They're like the circus—you set them up, you do the show and then you tear them down."

So even though in the last election America Votes was dwarfed by the size and scope of ACT, it has managed, improbably, to outlive it. There are now America Votes directors in three states whose sole purpose is to coordinate the legislative, electoral and organizing strategies, and the organization is looking to expand to ten states in 2006. There are signs that these small steps toward an integrated approach are bearing fruit. At the state level, groups are collectively writing blueprints for building progressive majorities and implementing progressive policy changes. Because these blueprints require some groups to backseat their particular issue while devoting resources toward an initiative more likely to build political power, it's "where the rubber meets the road," says the SEIU's Kraig. "Right now, the level of coordinated planning among all the various elements of the left is entirely unprecedented. It's gone well beyond what happened in 2004."

There's a school of thought that believes the entire nonparty, noncandidate mobilization last year was a disaster, a useless duplication of effort perhaps made necessary by McCain-Feingold, but one that should be left in the dustbin of campaign history. To critics in this school, everything carried out by the America Votes coalition and its allies should be done by the Democratic Party itself, and outsourcing it can only create confusion and inefficiencies. (Indeed, in a strange twist, DNC chair Howard Dean, never known as a strong advocate of grassroots organizing before his presidential campaign, has become its most visible advocate. He has pledged to hire organizers and staff for the Democratic Party in every state. That may not sound novel, but for the DNC to make any investment in organizing in a nonpresidential year is unprecedented.)

To the extent that progressive organizations function, as ACT did, as mere surrogates for the Democratic Party, this criticism is probably on target. The real potential of the developing infrastructure—that word again!—isn't that it can more effectively elect Democrats; it's that it can serve as the foundation for a progressive movement. Unlike a political party, which exists for the sole purpose of winning elections, a movement consists of an infrastructure and a worldview, a vision of political and social order more just, more humane and more democratic. There wasn't a whole lot of time spent fleshing out the progressive worldview last year, because the overriding goal, from both a strategic and an ideological perspective, was defeating Bush. But the challenges now for the progressive movement, if it is to live up to that grandiose title, are as much ideological as they are organizational. What common vision do wealthy Manhattanite liberals, union members in depressed industrial areas, urban service employees, immigrant small-business owners, racial and ethnic minorities and university-town academics share?

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These days the answer, too often, seems to be simply: beating the Republicans. Last year's hard-fought battle has produced among some progressives a vision of politics as a color war in which "our team" tries to beat "their team." In a recent *In These Times* essay, my colleague David Sirota identified this tendency as "Partisan War Syndrome," which "leads the supposedly 'ideological' grassroots left to increasingly subvert its overarching ideology on issues in favor of pure partisan concerns."

Building political power requires compromise and strategic tradeoffs. But with no vision of what you want the country to look like once you've won, it's impossible to distinguish smart compromises from self-defeating ones. "If a Democratic candidate gets elected on tax cuts," says Kraig, "the campaign professionals celebrate at the bar and go home. But from a movement perspective you've just made it even harder to fund public services and public schools, so it harms the movement. You want to win in a way that builds public infrastructure long-term for the purposes of changing society. So your tactics start to be affected by broader considerations."

Chris Glaros, a Columbus attorney who founded a network of progressive grassroots groups in Ohio called Blue 88, told me he'd spent a lot of time "trying to figure out what it is that unites all these folks I talk to, all of whom have different pet issues they're concerned about. And the one thing I can come up with is that for all these folks there's a real and immediate sense that the very fabric of our democracy is imperiled."

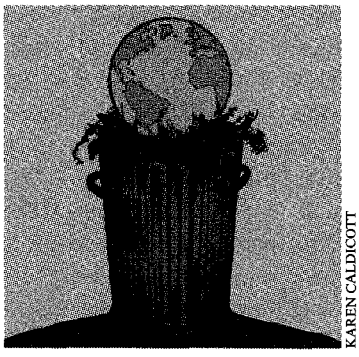
If last year's presidential election revealed anything to the thousands of new grassroots activists, it was just how undemocratic our Republic has become. Voters in only a handful of states determined who would be President; barely more than half the voting-age population turned out despite the millions spent to get them to the polls; and no more than a dozen or so Congressional seats were competitive. It was the great achievement of the Progressive movement of the late nineteenth and early twentieth centuries to radically democratize a country that had slipped into oligarchy: Progressives rewrote state constitutions to increase access to elected representatives and institute state referendums, they dismantled unaccountable political machines and they amended the Constitution to provide for direct election of senators and suffrage for women. These Progressives recognized that to achieve a more just state and society, power had to be redistributed in a structural fashion. The same is true today. Our dysfunctional policies are largely the result of a dysfunctional democracy. Here is where ideology and strategy meet: If progressives are to democratize the country, they must first democratize their politics. ■

THE GARBAGE INDUSTRY ROLLS OUT EVER MORE HAZARDOUS WAYS OF DISPOSING OF OUR WASTE.

Titans of Trash

HEATHER ROGERS

Katrina, Rita, Stan, Wilma: The hurricanes of 2005 follow last season's onslaught of vicious storms that slammed Florida and the Caribbean. But this year, the toll is much higher. Katrina's raging winds and water killed hundreds, displaced more than a half-million, caused tens of billions of dollars in damage and pulverized the social order of one of the largest cities in the United States. A few weeks later, Rita incited the biggest exodus ever seen in American history, as more than 2 million people fled their homes. And outside this country, Hurricane Stan triggered horrific mudslides in Guatemala that buried more than 1,000 people alive, turning their villages into mass grave sites. Today it's increasingly accepted that the ferocity of these storms is stoked by global warming.



KAREN CALDICOTT

Think greenhouse gases, and what most readily comes to mind are industrial smokestacks and bulky, gas-gluttonous SUVs. But there is a stealthier and increasingly threatening culprit driving climate change, and it's equally close to home: the massive landfills where we stash our garbage.

Heather Rogers is a journalist and filmmaker, and is the author of the recently published Gone Tomorrow: The Hidden Life of Garbage *(The New Press).*

In contrast to the Gulf Coast, things appear relatively calm in the Virginia countryside. Amid the encroaching suburban sprawl that rolls south from Washington, half-vacant strip malls along Highway 3 slowly give way to verdant corn and soy fields. About twenty miles east of Fredericksburg, a neatly tiered hill, about 170 feet high, asserts itself in the hazy blue sky, well above the billowing oak trees. This is the King George County Landfill, operated by the world's chief rubbish handling corporation, the multibillion-dollar Waste Management Inc. (WMI).

King George looks like any typical modern-day garbage landfill, except it's not. Atop this grass-cloaked trash butte is a ten-acre parcel dedicated to research and development on the next generation of sanitary landfills, known in the industry as the "bioreactor." This facility pumps enormous volumes of toxic liquids into the guts of the landfill to speed the decomposition of organic materials, which will hasten the dump's settling and make more room for discards. The bioreactor's intensified decaying also forces a sharp spike in methane gas, a natural byproduct of biodegradation. This is a problem because methane is a serious global warming threat: According to the Environmental Protection Agency, it's twenty-one times more heat-trapping than carbon dioxide. Peter Ander-

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son, executive director of the Center for a Competitive Waste Industry, explains, "Bioreactors are giant greenhouse gas machines."

Regardless, firms like WMI—which, according to a senior company official, has spent more than $22 million on R&D at the King George facility and nine other demonstration bioreactors in North America—are working hard to make this new technology an industry standard. Michael Thomas, the engineer at King George, says that if these tests go well, "you're going to see landfills all over the country converting to bioreactors."

Despite a growing chorus of environmentalists, climate experts and political leaders calling urgently for remedies to global warming, projects like the bioreactor are proceeding apace, largely outside the realm of public debate. But the bioreactor would drastically reshape the way rubbish is disposed of in the trash-rich United States, generator of more than 30 percent of municipal wastes created by Organization for Economic Co-operation and Development–member countries.

The garbage giants make their money in direct proportion to the amount that gets thrown away: the more trash, the more cash.

So what are the forces driving the development of this new technology? The bioreactor, with all its hazardous potential, is the latest product of an industry that's undergone intense corporatization over the past several decades, fostering a system reliant on ever greater levels of wasting, no matter the environmental toll. The corporations that handle much of the country's garbage today make their money in direct proportion to the amount that gets thrown away: the more trash, the more cash. In fact, these companies earn the highest profits from castoffs that get landfilled; burying rubbish generates more before-tax income than all other waste company operations combined. And since organic items make up almost two-thirds of all landfilled waste, these firms would stand to lose vast profits if those discards were diverted to, say, a composting program. Bioreactor technology, by contrast, is designed to maintain maximum flows of discards into the ground.

According to David Kirkpatrick, managing director of a Durham, North Carolina, firm that invests in clean technologies: "Clearly, [for-profit landfill operators] will make more money the more tons that come in. Any front-end separation for composting reduces the volumes going into the landfill, and that reduces revenues."

In an Orwellian flipping of the script, WMI markets the bioreactor as a means of "enhancing environmental protection." The corporation claims it can readily capture the dramatically increased methane output through wells dug into the bioreactor. This gas would then be channeled to power plants for conversion into electricity. In full green-washing mode, Gary Hater, the firm's senior director of bioreactor technology, lays it out: "By going from methane to energy, you're decreasing reliance on imported fuels and domestic fuels; you're taking a waste material and generating green energy in a renewable way—you're creating green energy!"

Never mind all the energy that's wasted when discards are buried in landfills instead of getting reused or recycled. According to Neil Seldman of the Institute for Local Self-Reliance, 80 percent of US products are used once, then thrown away. If those items were built to last longer, if they were easier to repair and reuse, a lot less energy would be consumed in the first place.

How is it that waste treatment—such an integral part of daily life and environmental health—is overseen by a handful of corporations that can ignore these realities? As of 2003, the country's top three garbage firms controlled more than 40 percent of the almost $45 billion market. And beneath their green-washed veneers, these firms are mostly concerned with revenues. Their dominance has come about thanks to a dramatic industry restructuring in the past thirty years in which garbage conglomerates took over the waste business, rolling up mom-and-pop outfits and shoving publicly owned operations to the sidelines.

Two early players in the corporatization of garbage were WMI and Browning-Ferris Industries. These giants spearheaded the sector's consolidation, buying out smaller firms in towns across the Sunbelt, then spreading north and into international markets. In building their empires, WMI and BFI also took their trash public, offering stocks to raise revenues, diverging sharply from previous industry norms. And in the 1990s a handful of newly powerful corporations like Allied Waste Industries and USA Waste Services followed WMI and BFI into the staggeringly profitable world of high-volume trash.

Viewed from the outside, this momentum appeared to hit a snag when, in 1991 the EPA instituted tighter controls for landfills. While further regulation may have seemed like a good move for the environment and an obstacle for the garbage corporations, in reality the big players benefited. The measure, known as Subtitle D, required all landfills to protect against groundwater and air pollution by converting to "dry tomb" technology; this entailed the costly installation of liners, along with gas and liquid leachate collection and monitoring systems. The big trash firms liked Subtitle D because it created barriers to entry for their less capitalized, smaller rivals and would price out many municipalities, facilitating yet further consolidation of the waste industry.

With their competitors on the ropes, the conglomerates went on a buying spree, plucking up defunct dumps to upgrade and opening new disposal sites in regional hubs like Pennsylvania, Virginia, Ohio and Michigan. Here the trash corporations built mammoth new "mega-fills," giant disposal sites fully outfitted with all the required monitoring equipment.

During this time, the overall number of landfills nationwide declined as substandard dumps were shuttered. But meanwhile, under the conglomerates, actual burial capacity soared. Whereas yesterday's landfills could take in anywhere from dozens to several hundred tons of refuse daily, new mega-fills could handle thousands of tons per day. This facilitated another shift in the industry, toward the inequitable exporting of wastes

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across state lines, mostly from urban centers like New York City to economically hollowed-out rural regions nearby.

Under the current regime, corporations are in charge of treating a huge portion of US household discards. With their colossal budgets and the political power they therefore wield, the trash giants exercise considerable influence over the way garbage will be treated in the coming decades. And they aren't investing in waste-reduction, recycling or composting technologies in any significant way, although these are proven, ecologically sound methods. The bioreactor, with its dangerous greenhouse gas emissions, represents the latest effort by these firms to keep the spent, used and broken riches of our society pouring into the landfill.

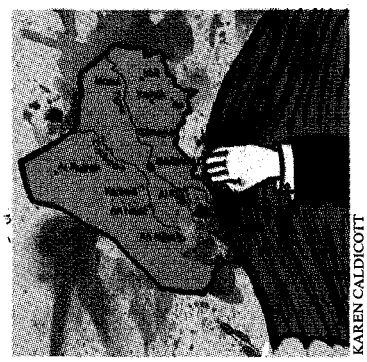
Eliminating obstacles to accumulation has long been the goal of US business—whether it's in manufacturing or waste disposal—and has led to a profoundly antienvironmental, undemocratic system. With increasing corporate ownership of garbage treatment and disposal, the public has been denied a meaningful role in devising better ways to reduce and recycle our wastes. Concern about profits and expanding markets, not human and environmental health, is what drives how we handle our garbage today. ■

THE TOLL—SO FAR—OF A WAR THAT REFUSES TO END.

The Iraq Index

[redacted]

As the debate about when and how to exit Iraq intensifies, it is essential to have information that is accessible and that puts the human costs of the war in context.



KAREN CALDICOTT

More American soldiers have died in Iraq than in all US conflicts put together since Vietnam. About eight times more soldiers have died in Iraq than in Afghanistan and all other countries where the United States is fighting terrorism, combined. Most of those who have died came from poor, rural areas. The smaller US territories and commonwealths are paying the greatest price. American Samoa, the Northern Mariana Islands and the Virgin Islands have the highest number of deaths per capita. On the other hand, Puerto Rico has the second-lowest number. Of the states, Vermont has the highest and Utah the lowest number of deaths per capita.

Approximately 26 percent of those killed have been minorities. This percentage is about the same as in the Gulf War (24 percent), but much greater than in the Vietnam War (14 percent) or even Afghanistan (19 percent). Citizen soldiers (reservists and members of the National Guard) are shouldering a significant proportion of the casualties, accounting for about one-quarter of all US deaths since the war began. More than 15,500 US soldiers have been wounded—more than seven times the number who have died.

It is extremely difficult to get precise data in Iraq's chaotic war zone. The Pentagon reports the number of wounded only about twice a month, and warns that many of its statistics are subject to change. Some of the numbers compiled on these pages can only be estimates. One of the most up-to-date sources of casualty information, relying on Department of Defense data, is the Iraq Coalition Casualty Count website (icasualties.org), where dedicated volunteers keep daily track of the US victims. Other helpful sources include *The Iraq Quagmire*, a report by the Institute for Policy Studies (ips-dc.org); globalsecurity.org; and tedkennedy.com.

Sixty journalists have been killed in Iraq, according to the Committee to Protect Journalists. The exact number of private contractors and other civilian employees who have been killed is not known. But at least 428 have died and 3,963 have been injured, according to Knight Ridder Newspapers. Of these deaths, at least 147 are Americans, the *New York Times* reports. This figure is probably low; seventy-nine employees from Halliburton alone have died in Iraq, according to a company spokesperson.

The total number of Iraqis who have been killed will never be known. Recently the Pentagon reported that nearly 26,000 Iraqis had been "killed or wounded from insurgent attacks" from the beginning of 2004 to September 2005. But when you add the estimated number of Iraqis killed by American forces, the figure could be more than 100,000, according to a controversial 2004 study published in *The Lancet*, a respected British medical journal. Another source, iraqbodycount.org, estimates that by late November, Iraqi deaths totaled between 27,115 and 30,559.

The war has already cost the United States an estimated $251 billion. Each day an estimated $195 million is being spent—money that could provide twelve meals to every starving child in the world, according to Senator Ted Kennedy's office. In addition, one day of Iraq War expenses could cover what the College Board estimates to be the full cost of a public higher education for some 17,000 American students.

The tragedy of Iraq can never be told by numbers alone. To borrow from John Crawford's firsthand account of the war, *The Last True Story I'll Ever Tell*, the following chart "won't bring back anyone's son or brother or wife." But perhaps it will "simply make people aware, if only for one glimmering moment," of the terrible costs of a war that refuses to end.

John S. Friedman is editor of The Secret Histories: Hidden Truths That Challenged the Past and Changed the World. *Research support was provided by the Investigative Fund of The Nation Institute.*

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THE IRAQ INDEX

Members of US military who have died in the Iraq War as of 11/27/05

Each symbol represents 25 soldiers.

Active Duty 1,604

Reserve 181

National Guard 318

Civilian Pentagon employees 5

US military deaths source: icasualties.org, based on Department of Defense (DOD) data

US soldiers who died in October 2004 63
US soldiers who died in October 2005 96
Source: icasualties.org

Deaths from major military operations since Vietnam

Iranian Hostage Rescue Mission (1980)	8
Lebanon Peacekeeping (1982-84)	265
Grenada, "Urgent Fury"(1983)	19
Panama, "Just Cause" (1989)	23
Persian Gulf War, "Desert Shield/Desert Storm" (1990-91)	383
Somalia, "Restore Hope" (1992-94)	43
Haiti, "Uphold Democracy" (1994-96)	4
"Operation Enduring Freedom" (10/7/01-11/19/05)	249

Source: DOD, Directorate for Information Operations and Reports (DIOR), Statistical Information Analysis Division (SIAD) website

US deaths by ethnicity as of 11/12/05

American Indian or Alaska Native	19	.92%
Asian	19	.92%
African-American	218	10.5%
Hispanic/Latino	225	10.9%
Native Hawaiian or Pacific Islander	22	1.1%
Multiple Races, Pending or Unknown	38	1.8%
White	1,528	73.9%

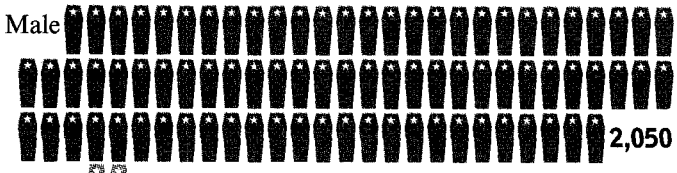
Total **2,069** Total percentages do not equal 100% due to rounding. Source: icasualties.org

Minority service members (all males) who died in military conflicts as of 11/12/05. Percentages are rounded.

	TOTAL	BLACK/ AFRICAN-AMERICAN	HISPANIC/ LATINO, ONE OR MORE RACES	OTHER MINORITIES
Korean War	20%	8.4%	2.4%	9.2%
Vietnam War	14.4%	12.4%	.6%	1.4%
Persian Gulf War	24%	17.2%	4.1%	2.4%
Afghanistan	19%	7%	8%	4%
Iraq	26.1%	10.5%	10.9%	4.7%

Source: DIOR/SIAD website, icasualties.org

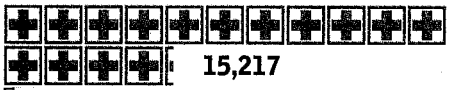
Deaths of US soldiers in Iraq by gender as of 11/21/05



Female 47

Source: icasualties.org

Wounded US soldiers by gender as of 11/5/05. Each symbol represents 1,000 soldiers.



Female 351

Total **15,568**

Source: DIOR/SIAD website

Population density of home community of reservists who died in Iraq and Afghanistan as of 5/28/05

Urban	29%
Suburban	18%
Small Town/Rural	51%

(US Census Bureau defines rural areas as "open country" and settlements with fewer than 2,500 residents.)
Source: "Military Personnel: Reporting Additional Servicemember Demographics Could Enhance Congressional Oversight," US Government Accountability Office, September 2005. Total percentages do not equal 100% due to rounding.

Percentage of Army recruits in 2004 from counties where median household income is below US median

nearly **66%**

Source: "Youths in Rural Areas are Drawn to Military; Recruits' Job Worries Outweigh War Fears," Ann Scott Tyson, *Washington Post*, 11/04/05

States, territories and commonwealths with highest number of deceased soldiers per capita as of 11/26/05

American Samoa	one death per 12,000 residents
Northern Mariana Islands	one per 27,000
Virgin Islands	one per 36,000
Vermont	one per 44,000
North Dakota	one per 63,000
South Dakota	one per 70,000

States and commonwealths with lowest number of deceased soldiers per capita as of 11/26/05

Utah	one death per 265,000 residents
Puerto Rico	one per 218,000
New Jersey	one per 212,000
Hawaii	one per 210,000
Minnesota	one per 196,000
Connecticut	one per 195,000

Source: State numbers calculated by dividing state population (2004 Estimated US Census Bureau figures) by number of soldiers killed in Iraq from that state (based on data at icasualties.org). Territories and commonwealths calculated by dividing population (2005 Estimated Population from CIA World Factbook) by number of soldiers killed in Iraq (based on data at icasualties.org).

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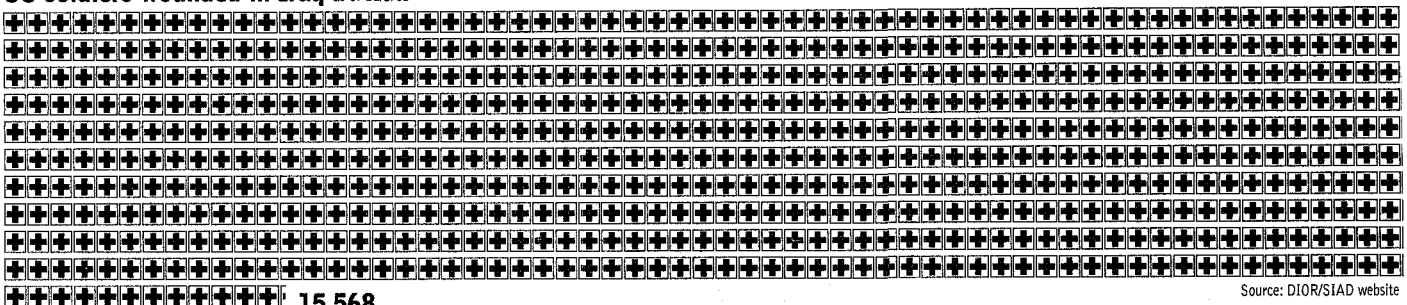
THE IRAQ INDEX

US soldiers wounded in Iraq as of 11/5/05

Each symbol represents 25 soldiers.



15,568

Source: DIOR/SIAD website

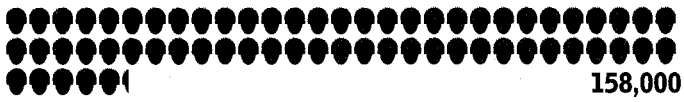
Soldiers wounded in Iraq who later died in hospitals in Germany and the United States

76

Source: icasualties.org

Number of US soldiers in Iraq

Each symbol represents 2,500 soldiers.



158,000

Source: "Rumsfeld Hints at More Troops in Iraq," CNN, 11/1/05

Number of soldiers from other coalition countries in Iraq

23,000

As of 8/16/05. Source: globalsecurity.org

Coalition countries with ten or more deaths as of 11/21/05

Source: icasualties.org. Each symbol represents 25 soldiers.

United Kingdom	98
Italy	27
Ukraine	18
Poland	17
Bulgaria	13
Spain*	11

*All troops have been withdrawn

Number of US soldiers deployed overseas since 9/11

Source: "How Many Have Gone to War?" by Mark Benjamin, *Salon*, 04/12/05

1 million+

Length of deployments in Iraq

Army **1 year** Marines **7 months**

Source: Service branch spokespersons and "On the Front Lines, Many Say Morale Remains Strong," by Thom Shanker, *New York Times*, 11/21/05

Percentage of Army combat soldiers returning from Iraq reporting major depression, generalized anxiety or post-traumatic stress disorder as of 12/1/03

19.5%

Source: "Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care," by Carl W. Hoge, M.D., et al., *The New England Journal of Medicine*

Estimated number of coalition contract and other civilian employees working in Iraq

75,000

Source: "Civilian Contractors in Iraq Dying at Faster Rate as Insurgency Grows," Seth Borenstein, Knight Ridder Newspapers, 11/2/05

Source: "Private Warriors," Frequenty Asked Questions, *Frontline*, PBS, 6/21/05 approximately **150,000**

Estimated number of coalition contract and other civilian employees killed in Iraq or died later from wounds

at least **428**

Source: "Civilian Contractors in Iraq Dying at Faster Rate as Insurgency Grows," Seth Borenstein, Knight Ridder Newspapers, 11/2/05

Estimated number of American contract and other civilian employees killed in Iraq or died later from wounds

at least **147**

Source: "Funds Fade, Deaths Rise and Iraq Rebuilding Is Spotty," by James Glanz, *New York Times*, 10/31/05

Estimated number of coalition contract employees wounded in Iraq

3,963

Source: "Civilian Contractors in Iraq Dying at Faster Rate as Insurgency Grows," by Seth Borenstein, Knight Ridder Newspapers, 11/2/05

Estimated number of journalists killed in Iraq as of 11/29/05

60

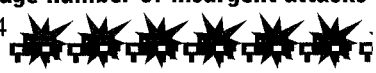
Source: cpj.org (Committee to Protect Journalists)

Estimated number of Iraqis killed from start of war to present as of 11/28/05. Source: iraqbodycount.org

27,115 to 30,559

Source: "Mortality Before and After the 2003 Invasion of Iraq," Les Roberts, et al., *The Lancet*, 11/20/04 100,000

Average number of insurgent attacks per day

10/04  61

10/05 100

Source: The Brookings Institution "Iraq Index." Each symbol above represents 10 incidents.

Percentage of US troops sent to Iraq or Afghanistan who have been deployed more than once

33%

Source: "How Many Have Gone to War?" by Mark Benjamin, *Salon*, 4/12/05

Annual pay samples* of Army and Marine Corps soldiers serving in Iraq

Private First Class, 3 years service	$ 25,598
First Lieutenant, 2 years service	$ 33,031
Sergeant Major, more than 22 years service	$ 64,166
Colonel, more than 22 years service	$100,520

(*Includes basic pay, basic subsistence allowance and imminent danger/hostile fire pay for active duty, reserve and National Guard) Source: DOD

Estimated annual salary range of civilian employees in Iraq

US employees	$80,000 to $100,000+
Non-US and non-Iraqi employees	$6,600 to $12,000

Sources: "Civilian Death Toll Passes 100 in Iraq," by Bill Hendrick, Cox News Service, 9/24/05; "Foreign Workers, Base Pay," by Moni Basu, Cox News Service, 11/7/05. Figures in US dollars.

Estimated cost of war as of October 2005 (US, obligated or approved)

Source: Congressional Research Service

$251 billion

Total cost of Vietnam War to US in current dollars $600 billion

Source: "The Iraq Quagmire," by Phyllis Bennis and Erik Leaver, Institute for Policy Studies and Foreign Policy in Focus, 8/31/05

Estimated cost of war per day (US)

$195 million

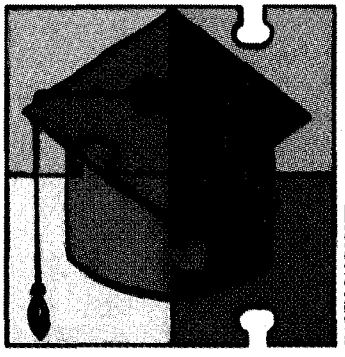
Note: While the utmost care was taken to ensure the most accurate, up-to-date information, the Department of Defense states that its statistics are subject to change.

SEGREGATION IS NOT INEVITABLE. WHERE THERE'S POLITICAL WILL, SCHOOLS ARE DIVERSE.

Overcoming Apartheid

[redacted]

Apartheid education, rarely mentioned in the press or openly confronted even among once-progressive educators, is alive and well and rapidly increasing now in the United States. Hypersegregated inner-city schools—in which one finds no more than five or ten white children, at the very most, within a student population of as many as 3,000—are the norm, not the exception, in most northern urban areas today.



KAREN CALDICOTT

"At the beginning of the twenty-first century," according to Gary Orfield and his colleagues at the Civil Rights Project at Harvard University, "American public schools are now 12 years into the process of continuous resegregation. The desegregation of black students, which increased continuously from the 1950s to the late 1980s, has receded to levels not seen in three decades." The proportion of black students in majority-white schools stands at "a level lower than in any year since 1968." The four most segregated states for black students, according to a recent study by the Civil Rights Project, are New York, Michigan, Illinois and California. In New York, only one black student in seven goes to a predominantly white school.

The fashionable reflex nowadays is to declare that integration "failed" and to settle instead, in Orfield's words, for better ways of "doing *Plessy*" in the urban schools as they now stand. Such declarations of futility ignore the reality that as many as 10 million black, white and Hispanic children have attended school together in interdistrict programs in which integrated schooling has become a fact of life for an entire generation of black children. In large numbers, the inner-city students in these programs have gone on to universities and colleges and become civic leaders in their own communities.

In the Milwaukee area, for instance, twenty-two suburban districts currently participate in a student-transfer program to promote school integration across district lines, which has been in operation now for nearly thirty years. Under the program four thousand students transfer between Milwaukee and its suburbs. In the middle-class suburb of Shorewood, for example, 11 percent of the student population comes into the district from Milwaukee. Including minority children who already live in Shorewood, says Jack Linehan, the recently retired superintendent, "our school district is about 19 percent black and Hispanic, and the community has a great comfort level with that.... I think parents got to know each other as friends.... I think that evaporated away a lot of the psychological resistance." Linehan also notes that starting integration in the elementary grades made it much easier for children "simply to be children with each other." Stereotypes fall away, he adds. "It's more difficult to conjure up 'the other' when you're building sand castles together."

In St. Louis also, a suburban-urban interdistrict transfer program has been in place for more than twenty years. The program, initiated under a court order in 1983, today enrolls about 10,000 children from the city, who represent nearly a quarter of the school-age population of black children in St. Louis, while about 500 children from the suburbs make the opposite commute. Although recent cutbacks in the funds provided by the state to underwrite these transfers have imposed a heavier financial burden on the sixteen districts that participate, most of the education leaders there have made clear their preference to continue with the program even in the face of opposition from the state.

In the Louisville area as well, school integration, initially carried out under court order, has now been in place without court order for a quarter-century. The sweep of the program, under which the city schools and county schools have been combined into a single system in which more than 90,000 black, Hispanic, white and Asian children are enrolled, has had the effect of rendering Kentucky's public schools the most desegregated in the nation. The typical black student in Kentucky now attends a school in which two-thirds of the enrollment is Caucasian.

When a proposal was made in 1991 to terminate or cut back on Kentucky's integration program, protests were voiced by community groups, the teachers union, the local press, the Jefferson County Human Relations Commission and the regional branch of the National Conference of Christians and Jews. A survey revealed that the number of black parents who believed their children's education had improved under the busing plan exceeded those who took the opposite position by a ratio of six to one. Less than 2 percent believed that education for their children would be better in resegregated schools. Despite occasional recurrences of opposition from groups or individuals who represent small pockets of resistance, support for school desegregation in the Louisville community continues strong and unabated to the present day.

Public policy has largely turned its back on the aspirations embodied by these instances of school desegregation. "Even many black leaders," notes education analyst Richard Rothstein, are weary of the struggle over mandatory busing programs to achieve desegregation and "have given up on integration,"

Jonathan Kozol taught fifth grade for two years in Boston's suburban interdistrict program, the longest-lasting voluntary integration effort in the nation. This article was adapted from his The Shame of the Nation: The Restoration of Apartheid Schooling in America *(Crown). Kozol is the winner of the 2005 Puffin/*Nation *Prize for Creative Citizenship.*

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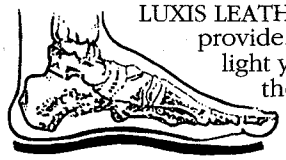

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arguing, in his words, that "a black child does not need white classmates in order to learn." So education policies, he says, "now aim to raise scores in [the] schools that black children attend." "That effort," he writes, "will be flawed even if it succeeds." The Supreme Court's 1954 *Brown* decision, he reminds us, "was not about raising scores" for children of minorities "but about giving black children access to majority culture, so they could negotiate it more confidently.... For African-Americans to have equal opportunity, higher test scores will not suffice. It is foolhardy to think black children can be taught, no matter how well, in isolation and then have the skills and confidence as adults to succeed in a white world where they have no experience."

Nonetheless, programs that promote school integration continue to be threatened in some sections of the nation. In Milwaukee, for example, legislation has been introduced three times since 1999 to do away with or substantially reduce interdistrict transfers. Much of the pressure has come from those who argue that the money spent for integrated education should be spent instead to upgrade schools within the city, the assumption being that the state cannot afford to make both of these purposes attainable. In the first two attempts, the legislation was defeated. When on the third attempt, in 2003, the legislation was approved, it was vetoed by Wisconsin Governor Jim Doyle.

There will be further legislative efforts like these in the future, says Jack Linehan, the former Shorewood superintendent—this, he notes, despite academic outcomes for the students in the transfer program that are consistently far better than those of students who remain in Milwaukee. The four-year graduation rate of inner-city students who have been attending school in the suburban districts is typically 95 percent or higher, Linehan observes, while the rate for students in Milwaukee's schools averages below 60 percent. If the legislature should succeed in cutting funding for the interdistrict plan, says Linehan, suburban districts would be forced to raise their local levies up to 25 percent to keep on with the program. "The only other option is to send these children back, which I believe would be immoral. We cannot say, 'We didn't mean it, now there's no more money.'"

In perhaps the most disheartening development, the interdistrict program in St. Louis is facing the risk of termination in the next three years. A court-supervised phaseout of state funding for the program, while it does not prohibit integration, significantly discourages suburban districts from accepting students from St. Louis after the 2008–09 academic year. The suburbs, for the most part, have wanted to continue; indeed, students in the affluent community of Clayton walked out of classes in 2004 to protest a possible withdrawal from the program, according to the *St. Louis Post-Dispatch*. The principal of Clayton High School told the paper he was "proud to be part of a community that values diversity in a metro area so segregated." But the state, beginning in late 2004, cut assistance to the district from the full per-pupil cost in excess of $13,000 to approximately half that sum, a loss in funding that has led the Clayton School Board, against the wishes of its students, to vote to terminate

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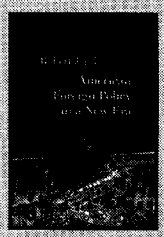
the program and accept no further applicants after 2008.

Other St. Louis suburbs may be driven to the same decision. Already, as a result of the first stages of the phaseout, the number of city students going to suburban schools has dropped by about 3,000 from a peak of 13,000 in the 1990s, while the number of suburban children going to St. Louis schools has dropped to half the number who were making this commute during the 1990s. "The state government," Orfield notes, "beginning under former Governor John Ashcroft, has fiercely opposed the integration program. It works, so it will be killed, unlike charter schools, which do not work and will be expanded." As in Milwaukee, the success of students in the program has been documented thoroughly. Ninety percent of transfer students graduating from suburban high schools have pursued postsecondary education, most attending two- or four-year colleges, compared with only 47 percent of graduating minority seniors in St. Louis. And the volume of applications by minority parents to enroll their children in the program has continued to be strong and is, indeed, increasing. In 2004 nearly 6,000 parents submitted applications for the 1,300 openings that were available.

Is it accurate then to say that most Americans, and black Americans especially, as we are told so frequently, have decided to give up on integrated education? National surveys, Orfield notes, do not bear this out. More than two-thirds of Americans believe "desegregation improves education for blacks," and "a growing population is convinced" it has a positive effect for whites as well. In surveys among young adults, 60 percent believe the federal government ought to make sure that public schools are integrated. The same percentage of black respondents do not merely favor integrated education but believe that it is "absolutely essential" that the population of a school be racially diverse. (Only 8 percent of blacks and only 20 percent of whites say this is not of much importance.) Opposition to desegregation among whites, Orfield pointedly observes, is highest among those who have no experience of integration. Yes, as those who have participated in these programs rightly note, there are the multitude of challenges that transfer students often do confront; and these are not always minor problems, nor are they exclusively, as some may think, "the problems they bring with them." Many are created by insensitivity or insufficient care in prior planning on the part of the receiving districts, others by resilient racist suppositions on the part of educators or administrators even in some of the most self-consciously progressive white communities.

Still, oral histories of students who experience desegregation usually reveal that even when the social adaptations may be difficult at first, the students consider the benefits they ultimately gain to be well worth the challenges they've faced. And despite the social tensions students in these interdistrict programs do sometimes encounter—and despite those famous "separate tables" in the cafeterias to which black students often gravitate, and in regard to which an awful lot of lamentation is devoted in the press—many of the white and nonwhite students get to know each other far too well

Political Concerns: New Twists on Old Issues



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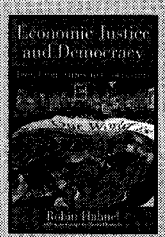

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not to be drawn to one another, finally, as friends.

Most parents of black and Hispanic students who have asked for my advice when they were trying to decide upon a school their children might attend have told me they have rarely thought about the pros and cons of trying to enroll their children in suburban schools or, indeed, in racially desegregated schools within their district, because they do not believe it possible that they would have the chance to exercise this option if they wanted to. Orfield believes that we can make it possible on a far broader scale and that we have, in any case, a moral obligation to devote ourselves to heightening that possibility in any way we can.

In answer to those who say they share this goal but point to the obstacles presented by the current makeup of the federal courts and the lack of any apparent interest in advancing such a purpose on the part of national elected leaders or the leaders of state government, Orfield, a political scientist by training, gives a clear, unshakable response. "The notion that apartheid in the South could be dismantled 50 years ago seemed wildly improbable as well," he noted. "Breaking down the barriers to interdistrict integration and reducing residential segregation in the suburbs have at least as good a chance of ultimate success. It will take a major political thrust in order to achieve this. We will certainly need some better people on the courts. But look at what Charles Hamilton Houston and W.E.B. Du Bois and those who worked with them during the decades long before the *Brown* decision faced when they were looking at a system of apartheid in the South which nobody was seriously resisting and which neither political party was opposing. And they nonetheless were asking, 'How do you take this thing apart?' And they did it. They started a movement. They created the intellectual force to make it possible. This is what we need to do as well."

And, he said, with a determination that is seldom heard within the discourse of too many tired-sounding liberals these days, "When we *do* create that force, it will be successful also." ■

LETTERS
CONTINUED

(Continued From Page 2)

law of fraud. Nor should it be. In virtually any fraud case it could be argued that a more savvy or diligent person would not have been fooled. In the Enron case, for example, one could argue that information showing that the Enron company was a house of cards ready to topple was publicly available long before fall 2001, when the company fell apart. But a defendant arguing, "Yeah, I lied, but the problems you're in are your own fault, because you should not have believed me" is a little like a guy saying, "Yeah, I aimed the gun at my neighbor and pulled the trigger, but he should have gotten out of the way more quickly."

There have been, and continue to be, failures on the part of Congress. They are inexcusable, but they do not provide a legal—or moral—excuse for the crime committed by the Administration in misleading this country into war. ELIZABETH DE LA VEGA

AT THE WHEEL OF HER OLDSMOBILE

West Los Angeles

■ After a ten-year lapse in my longtime *Nation* subscription (my mother re-upped me as a birthday gift), I was delighted to discover, in my very first issue, Alexander Cockburn's "The Virtues of Gas Guzzling" ["Beat the Devil," Oct. 31]. I'd been feeling pretty bad about my 1970 Olds 88, which came standard with a 455 V-8. My old car is not thought much of by the limousine liberals hereabouts, but hell, I got the thing from my radical political mentor back in '82. As he was killed the same year in his then fairly big Toyota pickup, my Olds has much sentimental value. For years I babied it: new interior, new paint, about 9,000 new parts, care in washing and waxing, etc. Still, guilt set in, and I largely ceased to take care of it, or even drive it.

I feel renewed, however, and ready to get back at it, having read Cockburn's take on gas guzzling. No need for me, or liberal friends with SUVs, to worry, according to Alexander. Imagine my relief, not to mention surprise, in discovering that oil wells have been and always will be at peak production (M. King Hubbert notwithstanding, since he was apparently a conspirator), based on Dr. Gold's theory, and that CO_2 emissions contribute nothing to greenhouse warming, based mostly on Cockburn's beliefs. In short, I can tool up and down Mulholland Drive, guilt-free in my '70 Olds, blowing smoke out my tailpipe the whole way. C. JACOBY

A YEN FOR CHINA

Burlington, VT

■ Michael T. Klare's "Revving Up the China Threat" [Oct. 24], trenchant though it is, unintentionally flattered the Bush Gang by giving them credit for a more rational approach to China policy than they are capable of. What Klare does not mention, I suspect because it is too familiar a filter even to be perceptible, is the double whammy that this pack of Republicans believe Reagan "won" the cold war by stepping up the arms race (and therefore we can work the same magic on China with the same approach) *and* that China has—notwithstanding its burgeoning capitalist economy—a Communist government. This all means that China comes in for an especially cynical version of realpolitik with this bunch: Like the Soviet Union, they think, China is after no less than the utter subjugation to its ideology of the rest of the world. It does not seem to have occurred to the Bush Gang that the economic debt we are allowing ourselves to get into with China has much more potential danger than its military buildup. WES SANDERS

WOMAN'S WORK IS NEVER DONE

Santa Monica, Calif.

■ I was very interested to read Andrew Rice's "Why Is Africa Still Poor?" [Oct. 24]. But I was dismayed that there was no reference to women or gender issues. On a continent that is still primarily agricultural, and where most estimates suggest that three-fourths of African women are directly involved in the production of crops, primarily food for their families, the issue of women's role in African economies should be at the center of any discussion about poverty alleviation. The chicken-or-the-egg conundrum raised by Rice—is governance bad because the nations are poor, or are they poor because of bad government?—applies equally to women. As I concluded in my book *Pounders of Grain: A History of Women, Work, and Politics in Mozambique*, "I believe that poverty in Mozambique can only be ended by focusing on women and the work they do. Only when women are fully integrated into economic and agricultural planning, into the schools and workplaces, and into the government at all levels of elected and appointed officials can poverty begin to be alleviated." It will not be easy, and efforts must be made on all fronts simultaneously to improve governments and economies, but without women those efforts are doomed.

KATHLEEN SHELDON

DUST OFF THE THUMB SCREWS

Sun Lakes, Ariz.

■ Attorney General Alberto Gonzales has called the Geneva Conventions "quaint." As a result the Bush Administration has resorted to torture. Given this criterion, isn't it logical that Scooter Libby should be tortured until he provides full disclosure of the outing of CIA agent Valerie Plame? KIT MILLER

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BOOKS & THE ARTS

The Chosen People

DANIEL LAZARE

THE JEWISH CENTURY.
By Yuri Slezkine.
Princeton. 438 pp. $29.95.

A HISTORY OF THE JEWS IN THE MODERN WORLD.
By Howard M. Sachar.
Knopf. 831 pp. $40.

Eventually, nearly every discussion of the Jews, pro or con, sympathetic or hostile, gets around to their alleged singularity. Twelve or thirteen centuries ago, when everyone from the Indus to the Atlantic was choosing sides between the crescent and the cross, the Jews were sticking to a path all their own, studying their own books, formulating their own laws and rejecting everyone else's. They were stubborn, clannish and standoffish, and even when they stopped wearing those funny clothes in the modern era and tried to blend in—especially when they tried to blend in—something about them remained at odds with the larger society. In W. Somerset Maugham's marvelous short story "The Alien Corn," the narrator finds himself at lunch with a wealthy Jewish family in their picture-perfect country estate:

> I was the only Gentile at the table. All but old Lady Bland spoke perfect English, yet I could not help feeling that they did not speak like English people; I think they rounded their vowels more than we do, they certainly spoke louder, and the words seemed not to fall, but to gush from their lips. I think if I had been in another room where I could hear the tone but not the words of their speech I should have thought it was in a foreign language that they were conversing. The effect was slightly disconcerting.

Outwardly the Blands (*né* the Bleikogels) were very much the same, but inwardly they were not. Of course, one might reply that it was the English, with their elaborate class distinctions, who were slightly disconcerting. But Fitzgerald and Hemingway made more or less the same point, so there had to be something to it. All agreed that the Jews were out of place wherever they went. They were nowhere at home because nowhere was their home. They were different.

In *The Jewish Century*, however, Yuri Slezkine, a Russian-Jewish historian now ensconced at Berkeley, mounts an elaborate counterargument. Jews are not unique, he maintains in his fascinating new study, and it is only European provincialism that makes them seem that way. Otherwise, they are of a type that is very common the world over: border crossers, ethnic transgressors and other nomadic and seminomadic elements who enter into complicated relations with host nations that are complementary and symbiotic. We think of the Jews as singular because over the course of Western history they have performed singular functions: as intermediaries between the Christian and Muslim realms during the early Middle Ages and then as moneylenders and pawnbrokers when an expanding European economy led to a growing need for capital. These were functions that Europeans (which is to say, Christians) could not or would not do for themselves, thanks to a strict church ban on usury. So they turned to outsiders—intimate strangers, so to speak—to do them instead.

The diasporic ways of the Jews, long considered alien by anti-Semites and Zionists alike, were in fact common, and modern.

The result, among other things, was a deeply ambivalent relationship that multiplied itself in a variety of ways. Both sides were contemptuous of the other but also envious. Both needed the relationship to continue but wished they could do without. The Jews, being militarily vulnerable,

Daniel Lazare is the author, most recently, of The Velvet Coup: The Constitution, the Supreme Court, and the Decline of American Democracy *(Verso). He is currently at work on a book about the politics of Christianity, Judaism and Islam.*

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had to be especially careful. They had to make themselves at home while at the same time insisting that their real home was far away (in Jerusalem, of course). They had to know their customers while making sure their customers did not know them. They had to be alert for opportunities but at the same time on guard for signs of trouble.

Strange—except that other ethnic groups have carved out parallel roles for themselves in a variety of circumstances. In medieval Korea, according to Slezkine, the Koli such'ok and Hwach'okchaein peoples specialized as hunters, butchers, sorcerers, torturers, border guards, buffoons, dancers and puppeteers. In Japan, a group known as the Eta specialized in "animal slaughter, public executions, and mortuary services," while a group known as the Hinin "monopolized begging, prostitution, juggling, dog training, and snake charming." In Somalia, the Yibir people engaged in magic, surgery and leatherwork; in southern Ethiopia, the Fuga were ritual experts and entertainers; in the Sahel, Sahara and Sudan various traveling blacksmiths doubled as cattle dealers, grave diggers, circumcisers, peddlers, jewelers, musicians and conflict mediators. Again, these were functions that the people they traveled among could not or would not do themselves and that they likewise delegated to others. We can imagine the similarly mixed emotions such itinerant specialists aroused whenever they pulled into a new village or settlement. Although some people might regard anti-Semitism as somehow sui generis, Jews are not the only ones to arouse both envy and disdain, welcoming and trepidation. They are also not the only ones to regard their social role as unique and therefore indispensable and to encourage others to think the same.

Slezkine has a name for such specialists. He calls them Mercurians and their hosts Apollonians. In Greek mythology, Apollo is the god of livestock and agriculture and hence of settled existence in general. Hermes—Mercury to the Romans—is, by contrast, a trickster god who serves as "the patron of rule breakers, border crossers, and go-betweens," i.e., less permanent types who prefer to live by their wits. Rather than settling down and blending in, the Mercurians seek the opposite goal: to keep themselves apart by deliberately cultivating strangeness, strange customs, strange languages and so on. Gypsies developed a variety of Romani and Para-Romani languages whose chief purpose, non-Gypsies have long suspected, is to keep outsiders in the dark. The Inadan gunsmiths and jewelers of the Sahara make themselves incomprehensible to their Tuareg hosts by adding the prefix *om-* or the suffix *-ak* to certain nouns. Jews have created a variety of languages out of Arabic, Persian, Portuguese, Spanish, French and Italian, among others. Although long regarded as a German dialect that they picked up crossing the Rhine, Yiddish, according to one linguist, may actually be a more complex "fusion language" composed of equal parts German, Hebrew, Loez (Judeo-French and Judeo-Italian) and Slavic, a mélange whose overall purpose is similarly communicative and noncommunicative—to facilitate communication within the community, that is, while erecting a linguistic barrier around it. Jews learned other people's languages, but other people rarely learned the Jews', a one-way linguistic street that was not without its advantages.

From Korea and Japan to Somalia and Ethiopia, tasks that people could or would not do were delegated to itinerant specialists.

Jews are different, in other words, except that other people are also different in comparable ways. Not only do Mercurians tend to be multilingual—Hermes was also "the god of eloquence," Slezkine notes—but they are also usually endogamous (marrying within the group so as to avoid outside entanglements), devoted to elaborate purity codes involving food and blood (another means of limiting contact with the outside world) and, in the case of the men, seemingly weak and feminine (since they usually avoid confrontations with their more numerous hosts rather than seeking them out). The Jains of India started out as members of the Kshatriya warrior caste but then, upon adopting vegetarianism and nonviolence, turned to moneylending, jewelry-making, shopkeeping and, eventually, banking and industry. No one knows whether vegetarianism or moneylending came first, but there is no question that they were mutually supportive. The Parsis of Bombay and Gujarat, descendants of Zoroastrians who fled Persia after the Muslim conquest, practiced endogamy as a way of avoiding entanglement with the Hindu caste system. Their self-imposed outsider status led them to take up peddling and liquor dealing and then, with the arrival of the Europeans in the 1500s, brokering, moneylending, shipbuilding and eventually international trade. "By the mid-nineteenth century," Slezkine writes, "the Parsis had become Bombay's leading bankers, industrialists, and professionals, as well as India's most proficient English-speakers and most determined practitioners of Western social rituals." We can be sure their English overlords also sneered at them as parvenus for weakly imitating European ways.

If Slezkine had left off there, his book would have significantly added to our understanding of minority cultures and the functions they perform. But this is merely the opening gambit in a richly detailed study that aims not only to recast our understanding of the modern Jewish predicament but of the modern predicament as a whole. In essence, *The Jewish Century* argues that the world passed through a *Star Trek*–like portal somewhere in the late 1800s so that, for the first time in history, Mercurian values became ascendant over Apollonian ones. Jews were intimately bound up with the change not because they were better than other Mercurians but merely because they were closest to the center of action. For the first time in centuries, their special mix of skills and abilities—multilingualism, adaptability, intellectual agility, etc.—were in demand.

Slezkine is hardly the only one to link Judaism with the emergence of capitalist modernity. And nowhere was the connection more striking than in czarist Russia, a vast agrarian empire on Europe's eastern edge and a kind of frozen monument to the Apollonian virtues of staying put. When at last this edifice began to crack in the latter half of the nineteenth century, a number of Mercurian elements rushed into the breach—Armenians, ethnic Germans and high-achieving Old Believers (Russian Orthodox dissidents analogous in some respects to the Amish or Quakers). But no one was more prominent in the changeover than the Jews. Despite endless legal impediments placed in their way, Jewish capitalists were soon conspicuous in banking, shipping and mining and were involved in the construction of fully three-fourths of the czarist rail system. In Odessa, Jews were responsible for 57 percent of factory output as of 1887 and 90 percent of grain exports as of 1910. They ran much of Russia's timber industry and, on the eve of World War I, owned a third of all sugar mills in Ukraine. Elsewhere, Jews

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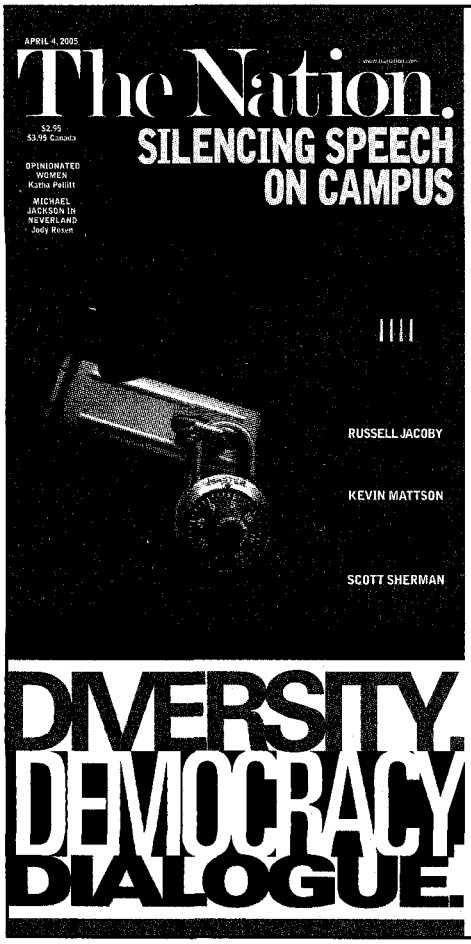
flocked to the universities, entered en masse into professions like medicine and law, and flooded into the arts. "Jews are so clever that no law can be counted on to restrict them," czarist finance minister V.N. Kokovtsev complained in 1906. But "they needed to be restricted," Slezkine adds, simply because "they were so clever."

If the Mercurian triumph created an opening for Jewish capitalists, it created an even greater one for Jews on the revolutionary left. Russian radicalism developed in two stages, an early agrarian stage followed by a proletarian-industrial stage from roughly the 1890s on. Jews were prominent in the first, but they retreated in confusion when peasant radicalism turned anti-Semitic. They were far more at home in the second, whose values were completely different. Mercurian rather than Apollonian, to use Slezkine's terminology, Russian socialists extolled industrialism, urbanism, learning, mobility and modernization. They despised tradition, religion and rootedness in general. For Lenin, one of the positive aspects of capitalistic development is that it tended to "replace the thick-skulled, boorish, inert, and bearishly savage Russian or Ukrainian peasant with a mobile proletarian." A quarter Jewish himself (although he didn't know it), Lenin unabashedly admired the "great, universally progressive traits in Jewish culture: its internationalism and its responsiveness to the advanced movements of the age." Ironically, Jews were at first more numerous among the Mensheviks. But once the Revolution and Civil War got under way, Jews flocked to the Bolsheviks because they were the only ones who took a strong line against anti-Semitism. According to Slezkine,

> For those who wished to fight, there was but one army to join. The Red Army was the only force that stood earnestly and consistently against Jewish pogroms and the only one led by a Jew. Trotsky was not just a general or even a prophet: he was the living embodiment of redemptive violence, the sword of revolutionary justice.

Slezkine's attitude toward the Soviet Union is ambivalent at best. He dedicates *The Jewish Century* to his grandmother, who was imprisoned under the czar, immigrated to Argentina, returned to Russia in 1931 to help build socialism and in her old age, he says, "considered most of her life to have been a mistake." Plainly, a latter-day Bolshevik he is not. But while he regards the Soviet experiment as a failure, he believes "the Jewish century" presented the Jews with a series of choices, none of them completely satisfactory. They could lose themselves in the Mercurian transformation of imperial Russia. They could immigrate to the United States, a country founded by Protestant Mercurians in the seventeenth and eighteenth centuries, and take their place alongside all the other Mercurianized immigrant groups as part of a general celebration of American "diversity" and "ethnicity" (however bogus those terms may be). Or they could turn Zionist, move to Palestine and become tillers of the soil, Apollonian peasant warriors in a world struggling to leave all that behind.

The first choice led to a dead end when Stalin's neo-Apollonian Russification policy led to a resurgence of anti-Semitism. The second has led to Bush, while the third has led to permanent warfare in an ethnochauvinist state that Slezkine describes as "the sole Western survivor (along with Turkey, perhaps) of the integral nationalism of interwar Europe." The very concept of a Jewish state, he adds, is the contemporary equivalent "of such politically illegitimate concepts as 'Germany for the Germans' and 'Greater Serbia,'" while "the rhetoric of ethnic homogeneity and ethnic deportations, tabooed elsewhere in



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the West, is a routine element of Israeli political life." American and Israeli Jews should not automatically assume that their choice was the right one.

Slezkine's interpretation of Jewish history, meanwhile, has its strengths and weaknesses. It is wonderfully antiparochial not only vis-à-vis the Jews but vis-à-vis America, which, he reminds us, not everyone saw as a promised land and which large portions of the huddled masses struggled to avoid. (His discussion of how *Fiddler on the Roof* Americanized Sholem Aleichem's Tevye, who actually despises the United States, is particularly bracing.) Considering the flood of right-wing propaganda inundating us nowadays, the fact that he shows any sympathy at all for the Russian Revolution is faintly astonishing. Far from surrendering to the Bolshevik steamroller, Jews were active participants, carrying out a revolution against their own rabbinate and bourgeoisie that in many respects was more ferocious than the larger revolution of which it was a part. "Most Jewish rebels did not fight the state in order to become free Jews; they fought the state in order to become free from Jewishness," Slezkine observes. In a 1903 letter to Theodor Herzl, Zionist leader Chaim Weizmann complained that even though the unfolding revolutionary movement "consumes much Jewish energy and heroism, and is located within the Jewish fold, the attitude it evidences towards Jewish nationalism is one of antipathy, swelling at times to fanatical hatred. Children are in open revolt against their parents." Thus, Jewish Bolsheviks revolted against Judaism not so much because they wanted to destroy it but because they wanted to use it as a springboard to something higher.

On the negative side, Slezkine is a captive of his metaphor, and the picture he paints is to a degree one-sided and incomplete. Reading *The Jewish Century*, one sometimes gets the impression that all footloose service providers are Mercurians and that all Mercurians are in the vanguard of social change. But this raises the question of why some Mercurians become part of the vanguard and others do not, and why some wind up doing both. The Jewish response to the first wave of European modernization, for instance, was not to rush forward and embrace the brave new world unfolding around them but to pull back further into their shell. Lost in Talmudic obscurantism, they seemed as hopelessly backward from roughly the fifteenth to the eighteenth century as the Gypsies, those other European Mercurians, may seem today. It was not until the French Revolution that attitudes began to change, and not until 1848, as Eric Hobsbawm recently noted in *The London Review of Books*, that they became prominent in the front rows of European radicalism. Only then did the image of the Jew sealing himself off behind high ghetto walls give way to the image of the Jew as pioneer of the new.

Transient communities have long suffered at the hands of their hosts, but anti-Jewish animosity has been uniquely ideologized.

The Jewish Century falls short in another respect. By reducing everything to a matter of Mercurians versus Apollonians, Slezkine comes close to lopping off an entire intellectual dimension. Jews played a key role in the creation of the modern world not merely because they were close to the center of action but because of their ideological role in what, from the tenth century on, was becoming the most ideologically fraught corner of the globe. Although small in number, they were the Christians' and Muslims' intellectual equal for much of the medieval period and their superior for a portion of it. Not only did they pioneer the concept of universalism; they used it to mount a sustained critique of their own behavior. (As the classical historian Morton Smith said of the Golden Calf episode and other instances of Hebrew backsliding in the Old Testament, "That constantly recurrent national apostasy should be made the leit-motif of an entire literature is something unparalleled in antiquity.") Jewish self-excoriation—or self-hatred, if you will—may seem neurotic, but it turned out to be highly useful in an age of neurosis based on ruthless intellectual self-examination and debate. Some sons and daughters of rabbis and peddlers tried to turn themselves into model Gentiles à la Maugham's Blands/Bleikogels. ("You know," Bland *père* remarks hilariously at one point, "I've got an idea that nowhere in the world now is the Greek ideal of life so perfectly cultivated as by the English country gentlemen living on his estates.") But once the idea of a universal god had fallen by the wayside, others sallied forth to do battle with the new universal ideas taking its place—psychoanalysis, theoretical physics, socialism and so on—astonishing the world with their aggressiveness and intellectual ferocity. If Jews felt a special affinity for Bolshevism (which they undoubtedly did), it was because it was the most universal, radical and militant form of Modernism yet and hence the only kind they could completely embrace.

Somehow describing them as merely another group of wandering craftsmen and information purveyors seems inadequate. Slezkine also observes that Jews are not the only Mercurians to suffer barbaric violence. Levantines in Latin America, West Africa and the Caribbean; Chinese in Southeast Asia; Indians in East Africa—all have been at the receiving end of riots and pogroms that are no different from those of czarist Russia. Yet, he writes, "there is no word for 'anti-Sinicism' in the English language, or indeed in any language except Chinese (and even in Chinese the term, *paihua*, is limited in use and not universally accepted)." On the one hand, this suggests that the Jews are not unique. On the other, by showing how anti-Jewish animosity has been uniquely ideologized, it suggests that something about their role is different after all.

Although Howard Sachar's *A History of the Jews in the Modern World* covers some of the same territory, it is vastly different in its tone and conclusions. Where Slezkine goes out on a limb, Sachar plays it safe by telling us the story in a way that most people will find agreeable. Consensus history of this sort is fine when the consensus is right, but not so fine when it isn't. He tells us, for example, that "the largest numbers of Russian Jews had never adopted a Bolshevik political agenda" before the October Revolution because their petit-bourgeois economic position rendered them ill disposed to a program of mass expropriation. This is what Sachar's American readership would like to believe, and it is even true to a degree, although it ignores the extent to which Jews were dissatisfied with their position, aware that it was increasingly untenable and all but primed, consequently, to respond positively to a more sweeping and radical program when it finally seemed practical. He tells us that Jews were anti-Bolshevik in 1917 because they favored the Jewish cultural autonomy that Lenin opposed. Again, this may be accurate as a snapshot of Jewish attitudes at a particular moment, but it does not explain why millions of Jews abandoned cultural autonomy at the first opportunity a few years later, moving to Leningrad, Moscow and other large

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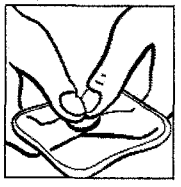

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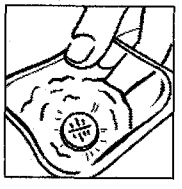

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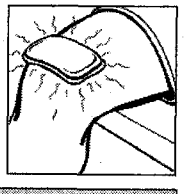

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cities and taking salaried positions in the expanding Soviet technocracy. Whatever sense cultural autonomy may have made in a period of czarist stagnation, it made no sense whatsoever amid the "bonanza of upward mobility," as Sachar describes it in nearly the same breath, triggered by Soviet industrialization.

Such lapses are unfortunate, because much of *A History of the Jews in the Modern World* is judicious and balanced. Sachar's discussion of the interwar period in Central and Eastern Europe is especially impressive. The problem, as he shows, was all too simple. The Treaty of Versailles had given rise to a slew of bankrupt authoritarian states straight out of *The Merry Widow* or, better yet, *Duck Soup*. With roughly one citizen in four a member of one or another beleaguered minority, their ethnic policies were as vicious as their economic policies were comical. Hungarians in Romania, Ukrainians in Poland, Germans in Czechoslovakia—all were made to feel like unwanted stepchildren. And of course the most unwanted stepchildren of all, the ones all other stepchildren despised, were the Jews. The three great liberal powers—Britain, France and the United States—made fitful efforts to encourage a modicum of good behavior. Treaties were imposed on Poland, Czechoslovakia, Serbia and a half-dozen other states, requiring them to extend full civil rights to all citizens regardless of religion or ethnicity. Greece would be for the Greeks, but also somehow for the Jews, Turks, Bulgarians and others falling within its borders. Poland would be the same for Ukrainians and Jews. American Jews were jubilant. As Louis Marshall, president of the American Jewish Committee and a key adviser to Woodrow Wilson who helped negotiate such treaties, told an overflow crowd at Carnegie Hall in July 1919:

> For the first time, the nations of the world have recognized that, in common with all other peoples, we are entitled to equality in law.... It has now become an established principle that any violation of the rights of a minority is an offense not only against the individuals but against the law which controls all of the civilized nations of the earth.

But such treaties were not only impossible to enforce; the very fact that the imperial powers had imposed them made the agreements all the more resented. A dangerous dynamic was put in place in which the only way Poles, Czechs, Romanians, etc. could demonstrate their national independence with regard to London or Paris was by abusing all those non-Poles, etc. London and Paris were urging them to protect. The Depression and concomitant rise of anti-Semitism in the imperial West didn't help matters; neither, needless to say, did the Nazi takeover in Germany. Much like—dare we say it?—today's Palestinians, Jews found themselves with nowhere to go. The only thing that squabbling nationalists could agree on was that they should leave and that someone else should take them in. Singing "Hail, Freedonia!" the Marx Brothers were Jews cavorting on the edge of the precipice.

As one might expect, Sachar ends his book with a tribute to Israel, whose military prowess, he says, has led to a net improvement in conditions for Diaspora Jews from Western Europe to Argentina. This may indeed be the case, although, as he also admits, the situation has hardly been as clear-cut for Jews in the Muslim world and the former Soviet bloc, where Israel's role may have been to their net detriment. But conditions have changed since the 1950s and '60s, when Israel was seen as a model social-democratic state, filled with sunburned kibbutzniks and Soviet-style pioneer youth. As Palestinian resistance has stiffened, Diaspora Jews have found their fortunes tied to a heavily militarized right-wing state whose ethnic policies are increasingly reminiscent of interwar Poland or Romania. If Jews benefited from the good will shown toward Israel before the 1967 war, the question is whether they will suffer from growing revulsion felt for it afterward. Anti-Semitism is the anti-Zionism of fools, but there are a lot of fools in the world, and all too many of them are falling into it already. It is morally catastrophic that a people who once allied with the most advanced, democratic currents in the world should now find themselves in bed with the most backward, e.g., all those "Christian Zionists" running around in Bush's America. Remarkably, the Jewish question is no closer to resolution at the start of the twenty-first century than it was at the start of the twentieth. ■

Letter of the Law

JACK RAKOVE

AMERICA'S CONSTITUTION: A Biography.
By Akhil Reed Amar. Random House. 657 pp. $29.95.

Akhil Amar is one of those scholars who rarely leaves home without a pocket-size copy of the Constitution secreted about his person (presumably safe from any "unreasonable searches and seizures"). One suspects that in stray moments—waiting for takeoff, in checkout lines at the supermarket—he likes nothing better than to whip out his copy and mull over some obscure clause. And as his newest book makes clear, he finds much there to mull. At nearly 500 pages of text and more than 100 of notes (many substantive), this is a work for the long-distance reader. Indeed, in its very length, *America's Constitution* illustrates the inverse relation between the brevity of the document and its potential for voluminous exposition.

At fewer than 8,000 words, ours is a textual lightweight next to most other constitutions, including the turgid "constitutional treaty" of the European Union that French and Dutch voters recently doomed. Midway through its twenty-second decade, the Constitution is also the oldest such national document in continuous existence. American constitutionalism is distinctive in one further respect. In no other country has the practice of constitutional law and the production of constitutional scholarship become so elaborate, refined, disputatious and even cultic. Our obsession with the Constitution—its origins, evolution and especially its interpretation—has no parallel anywhere else in the world.

The literary economy and historical durability of the Constitution support this hermeneutical obsession in obvious ways. Brevity invites and indeed requires interpretation to connect the clauses, fill in the silences and search for meanings beyond the four corners of the text. The sheer fact of longevity, meanwhile, has

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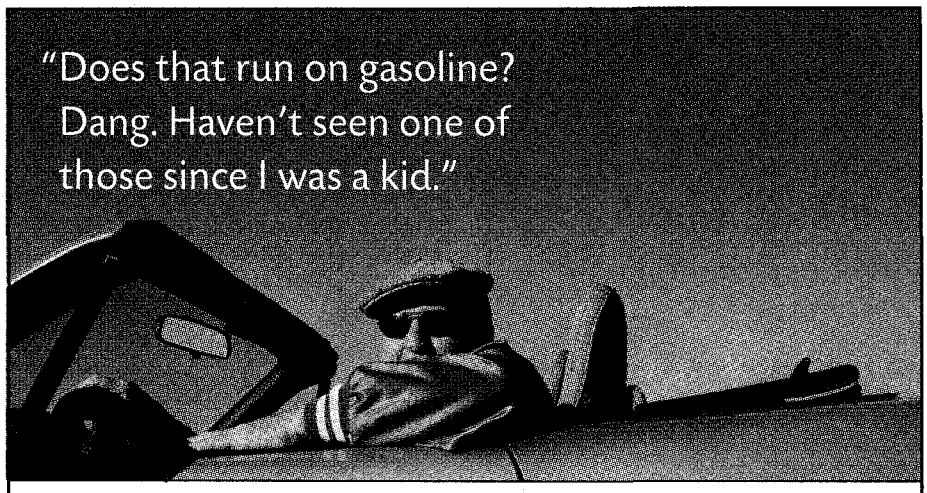
endowed numerous clauses with interpretive histories of their own. Other provisions, like impeachment, operate as sleeper clauses, lying dormant for decades, then exploding into prominence and demanding interpretation.

One other fundamental circumstance renders our Constitution susceptible to endless explication. Ever since Alexander Hamilton proposed chartering a national bank in 1791, Americans have repeatedly had to learn that the boundary between what is political and what is constitutional is permeable. Political disputes regularly escalate into constitutional quarrels because we naturally prefer decisions to be made by those institutions that offer our side the best chance of prevailing. Moreover, our muddied schemes of federalism and separated powers mean that we can usually make a plausible case that rule-making authority resides in the institution(s) where we have the best shot.

Taken together, these conditions suggest that we will never get closure on the meaning of the Constitution. History, politics, legal precedent and the coexistence of rival interpretive theories—from the broadest versions of Ronald Dworkin's "moral reading" of the Constitution to the narrowest form of Robert Bork's "originalism"—all guarantee that the original document and its leading amendments will remain controvertible.

This may disturb naïve purists and enthusiastic originalists who think that the meaning of the Constitution really can and should be fixed. But it is great news for those of us who make our living writing about constitutional law, history and theory. Of course, not all of us are competent to do all three, but among those hardy few bold enough to make the attempt, Akhil Amar ranks high for ambition and enterprise.

Amar makes his intellectual home at Yale Law School, the high temple of constitutional theory. Back in the 1920s and '30s, it was the nursery of legal realism, which treated law as a continuation of politics and policy by other means. Its transformation into a shrine of constitutional theory began with the 1962 publication of Alexander Bickel's famous work *The Least Dangerous Branch*. With its careful if occasionally overwrought analysis of "the countermajoritarian dilemma"—that is, the idea that the exercise of judicial review is always problematic because it empowers politically unaccountable judges to overturn the decisions of



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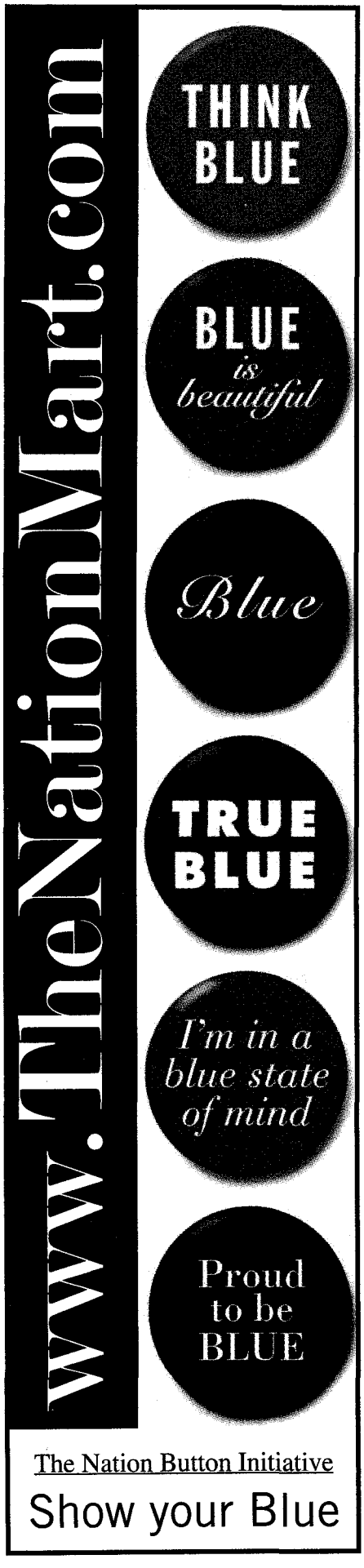

more democratic bodies—Bickel's book laid out the basic issue that constitutional theorists have been revolving ever since.

Amar offered his own solution to that dilemma in his last book, *The Bill of Rights: Creation and Reconstruction*. He argued that the authors of the Fourteenth Amendment explicitly rejected the Marshall Court's 1833 ruling that the protections of the Bill of Rights applied only to the national government. The incorporation doctrine—the right of the federal courts to apply the Bill of Rights to the states—at the heart of the last century's rights-oriented jurisprudence was thus historically and textually sound. And like other scholars, Amar portrayed Reconstruction as a second constitutional "founding," committed to principles of nationhood and equality only partly imagined, much less realized, in the 1780s and '90s.

The basic purpose of his new book, Amar suggests, is twofold: to introduce readers "both to the legal text (and its consequences) and to the political deeds that gave rise to that text." Yet he is in fact much more the textualist than the historian, much more original and provocative when playing with the implications of constitutional language than when accounting for the motives and deeds of historical actors. Amar's analysis of this language was originally called "a guided tour," and that subtitle, I think, provided a better description of his method than the one it finally received. "Biography" implies life, action, movement and a sense of how the Constitution has been interpreted and applied. The reader instead is offered a thorough (though hardly comprehensive) analysis of the Preamble, all seven original Articles and its twenty-seven Amendments.

Even so, a powerful sense of American political history drives Amar's reading of the text. If this "biography" has a dramatic structure, it lies in the tension between the Constitution's democratic and egalitarian promise and its attendant moments of original sin and heroic redemption. Amar is progressive but not a Progressive. He rejects, that is, the old Progressive view of the Constitution as an elitist reaction to the excesses of democracy. As his opening chapter on the oft-neglected Preamble makes clear, the Framers' confidence in "We the People"—whose assent alone made the Constitution supreme law—was genuine. That confidence was manifested both in allowing propertyless men to vote for delegates to the ratification conventions and in the large electorate, which from the beginning could choose the members of the House of Representatives.

Amar is also a nationalist. Much of the case for the Constitution rested on a "geostrategic vision" of the national interest nurtured in a realpolitik that precluded the idea that individual states retained a sovereign right to secede at pleasure. In a world where European empires could freely meddle in American affairs, such a concession would have extended an ongoing invitation to disunion.

But the price of perfecting this Union was also its original sin: the multiple ways in which the Constitution rewarded the existence of slavery as the dominant institution of the South. Like Garry Wills (in his recent book *The Negro President*), Amar emphasizes the "extreme viciousness" of the three-fifths clause. Not only did it provide the South with overrepresentation in Congress and a virtual lock on the presidency; it inspired the malapportionment of state legislatures to favor those counties where slavery was dominant, thus further reinforcing the hegemony of the slavocracy. Writing on the side of the angels and with the moral certainty of the present, Amar has little patience for historians like my late colleague Don Fehrenbacher (or myself, for that matter), who are more tolerant of—or simply more fatalistic about—the ambiguities and ironies of the past.

This vision of American history is not what distinguishes Amar from other students of the Constitution, however. It is instead his love of constitutional language that sets him apart, and his belief that real consequences flow from the choice of one term rather than another.

A good example of this is his treatment of the Twelfth Amendment, which required electors to cast distinct votes for President and Vice President, thereby preventing a recurrence of the inadvertent tie between running mates Jefferson and Burr that threw the election of 1800 into a lame duck House of Representatives controlled by the defeated Federalist Party. Amar argues that this amendment was instrumental to the formation of the two-party system that revolves, and always has, around the competition for the presidency. It certainly was helpful to improving party coordination. But one could argue just as easily that party leaders had already learned the key lessons from their experiences in 1796 as well as 1800, and that with or without a formal amendment they would have developed

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effective techniques to avoid a repeat of the Jefferson–Burr tie.

The abhorrent three-fifths clause evokes a similar assessment. Amar implies that it provided an incentive to continue the importation of slaves after 1789 because Southern states wanted the additional representation in Congress. But there is no evidence that it had this effect or that any slaveowner would have conditioned a purchase with so distant and personally immaterial a benefit in mind. Nor did the Upper South states that sustained the expansion of slavery into the Cotton Belt ever consider discouraging the outflow of their human chattel on similar grounds.

Neither of these reservations should detract from an appreciation of the real ingenuity that informs *America's Constitution*. No scholar writing today is more sensitive to the nuances of constitutional language than Amar, and his book is full of close and thoughtful analyses of an array of clauses and terms of legal art. Readers who make it to the end of this work will be rewarded not only by Amar's personal thanks for their diligence and (more alarming) a restatement of the major arguments they should already have absorbed but also by a new and richer understanding of the prosaic founding text we routinely worship but rarely examine.

Yet Amar's notion of strict linguistic scrutiny, as applied to the origins of the constitutional text, is finally more an example of our obsession with the Constitution than an explanation of why its interpretation remains so fertile a source of perplexity and controversy. For all the attention that Amar bestows on the nuances of language, the life of the Constitution remains a story of movement, interpretation and even exploitation. There is much to admire in Amar's densely packed disquisition, but it is not quite the biography it claims to be. ■

Nancy Has Two Mommies

BRENDA WINEAPPLE

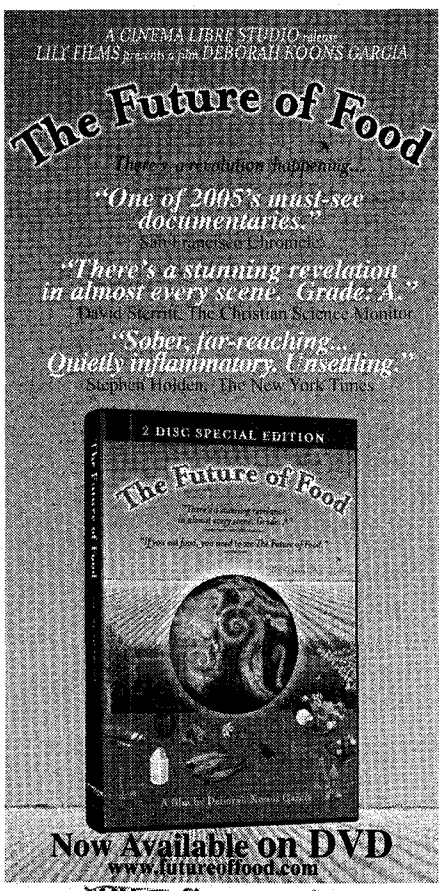
GIRL SLEUTH: Nancy Drew and the Women Who Created Her.
By Melanie Rehak. Harcourt. 364 pp. $25.

Since 1930 Nancy Drew has installed herself in the wayward hearts of young girls, heedless of the Depression, four wars (not counting the present one), civil rights, feminism, Gerald Ford and drugs, sex and rock and roll. Preternaturally bold, she takes action without suffering consequences: no mean feat to devoted girl readers sneaking, late at night, a few minutes more with the blue-eyed snoop. Journalist and poet Melanie Rehak was one of these girls, as she tells us in the opening pages of her jaunty *Girl Sleuth: Nancy Drew and the Women Who Created Her*. Pretending to be afraid of the dark so her parents would keep the hall light burning, Rehak gobbled page after page of Nancy's travails. And she was not alone. Andrea Dworkin once said she feasted on Nancy Drew, and Rehak delivers encomiums from Beverly Sills, Barbara Walters and Ruth Bader Ginsburg. Nancy, declares Rehak, is "as much a part of the idea of American girlhood as slumber parties, homework, and bubble gum."

As a girl, I was lukewarm about Nancy—though I liked her roadster—and so I asked around. "I *adored* Nancy Drew," said novelist Lily Tuck, "and I remember my English teacher telling me in fifth grade that if I read another Nancy Drew mystery instead of—what? I don't remember—Shakespeare, there would be another murder and no mystery to solve." Biographer Benita Eisler recalled that Nancy's appeal was that any white, vaguely middle-class girl could identify with her not impossible brilliance—that, and the fact that she had no mother to thwart her (her mother had died when Nancy was 3). "The 'crimes' she solved were never threatening—neither violent nor sexual—always of a 'white-collar' character—fraud, financial chicanery—nothing really dangerous," said Eisler, whose daughter also read the series.

The central mystery of Nancy Drew isn't any of her capers: It's her enduring popularity. In 2002 150,000 copies of *The Secret of the Old Clock*, her debut, flew

Brenda Wineapple is the author, most recently, of Hawthorne: A Life *(Random House). She is writing a book on Emily Dickinson.*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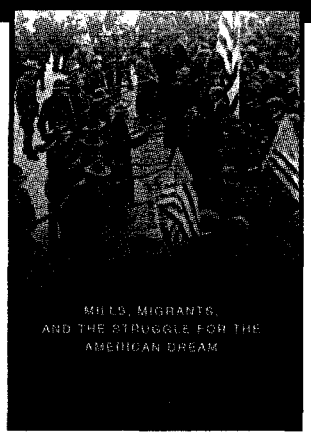

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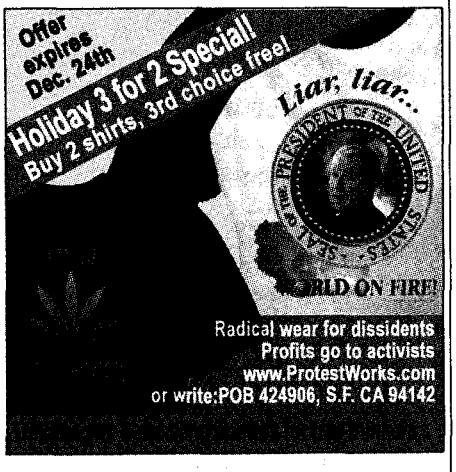

THE CONSTITUTIONAL DIVIDE
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off shelves, and Simon & Schuster is celebrating her seventy-fifth birthday this year by launching all-new stories with an updated, cell phone–toting Nancy, the fifteenth of which is due out in January. As many as thirty years ago novelist Bobbie Ann Mason, another Drew enthusiast, undertook her own investigation into Nancy's allure in the delightful *Girl Sleuth: A Feminist Guide* (still in print). Mason argued that Nancy represents a fading aristocracy whose property she defends but whose values she shrugs off. Rebellious adolescent and social maven, she is a paradox: "The girl sleuth is in pursuit of the very world—the happy ending, the mystery solved, the symbolic wedding—she seeks to escape." If Nancy were to grow up, says Mason, she would have to turn into Mrs. Bobbsey, a dull woman, as reliable as plumbing.

Perhaps so. But Rehak is far less concerned with Nancy as cultural symbol than with Nancy as commodity created by the modern women who molded her in their image. For Nancy Drew had two mommies—and one inseminator. The latter, Edward Stratemeyer, was the powerhouse behind what became known as the Stratemeyer Syndicate, which produced beloved series such as Tom Swift. Born in 1862, the son of a middle-class German immigrant, Stratemeyer had been a scribbler since boyhood. He was working in his father's tobacco store and selling Horatio Alger–inspired tales to the penny dreadfuls until his "Victor Horton's Idea" was bought by *Golden Days*, a respectable boys' magazine, when he was 26. He then went to work for Street & Smith, a New York publisher that churned out dime novels and formula fiction (under pseudonyms); according to Rehak, Stratemeyer produced as many as forty-two dime novels in less than two years.

In 1899 Stratemeyer unveiled his Rover Boys Series for Young Americans: tales of the middle-class Dick, Tom and Sam at a military academy. Though today it sounds rather unpromising, a reporter of the time claimed that "The Rover Boys broke out upon the country like measles." Stratemeyer followed his Rover Boys with his bouncy Bobbsey Twins, launched under the pen name Laura Lee Hope. Hugely successful and bubbling with ideas, he decided it would be more efficient—and more lucrative—to provide outlines for his various series to a growing stable of authors who would write them under preestablished, trademarked pseudonyms. "We do not ask for what is commonly called 'fine writing,' (usually another name for what is tedious and cumbersome)," Stratemeyer told a prospective employee, "but want something full of 'ginger' and action." He also mandated no deaths and no kissing—and what children wanted most: no finger-wagging. The Stratemeyer Syndicate was thus born in 1905, the literary equivalent, as Rehak points out, of Ford's assembly line.

Paid a flat fee for each manuscript (circa $75 to $150), ghostwriters relinquished "right, title and interest" both to the books and their pen names. Anonymity was crucial to the Syndicate: One writer could replace another in midsentence without spoiling a given series. If children wrote their favorite author a letter, the Syndicate would, under the cover of other pseudonyms, reply as the famous author's "secretary." Yet despite the Stratemeyer books' popularity, libraries refused to stock them. No problem. As Twain said on learning Huck Finn was banned in Concord: Good, that will sell more copies.

Between 1900 and 1910, Rehak notes, publishers, having discovered a new demographic, introduced forty-six girls' series. Stratemeyer concocted the Motor Girls, a spinoff of the profitable Motor Boys, about young Cora Kimball, whose wealthy mother buys her an automobile. As Rehak astutely observes, Cora and company "differed enormously from the heroines of girls' books in the previous century, most of whom were locked in some kind of domestic drama involving death or hardship."

It was after the amazing success of the Hardy Boys mysteries in 1927 that Stratemeyer envisioned more "bright, vigorous stories for older girls having to do with the solving of several mysteries." With his principal publisher, Grosset & Dunlap, on board, he sent a three-and-a-half-page outline of *The Secret of the Old Clock*, featuring a lone girl detective, to one of his writers, Mildred Augustine Wirt, a 25-year-old University of Iowa graduate and the first woman to complete its journalism school program. Given the pen name Carolyn Keene, Wirt dressed 16-year-old Nancy Drew for success: tweed suits, blue frocks, sparkling eyes (they matched that sporty roadster), and enough moxie to get the job—any job—done.

Released in a "breeder" set (three at once: another Stratemeyer innovation), the Nancy Drew Mystery Stories were a hit. Smart, daring, curious, even a crack shot (yes, at least on one occasion she toted a revolver), Nancy lived in River Heights, somewhere in the Midwest, in a comfortable home with an unobtrusively patrician and doting father. Evidently she finished

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high school, but having no discernible ambition and no need for money, she never sought paid employment or even mentioned college. She had two loyal female sidekicks, the traditionally feminine Bess and the tomboy George; a dim but dependable boyfriend (Nancy is largely asexual); and a matronly housekeeper who cooked and cleaned. Naturally, Nancy was a cut above them all, for only she could right wrongs, restore order, pour tea and play golf, all for 50 cents a book.

The stock market crash, the death of Edward Stratemeyer, even the Depression did not dampen her spirits, which doubtless increased her appeal. When Stratemeyer's daughters, Harriet Adams and Edna Stratemeyer, took over the Syndicate, they cut costs by moving its offices to New Jersey, canceling several titles and reducing the writers' fees. Not surprisingly, they lost several authors, among them the prolific Mildred Wirt. But not Carolyn Keene.

Even pluckier than Nancy, Wirt was a married woman with a daughter who could turn out half a dozen non-Syndicate books in a year, including the Mildred A. Wirt Mystery Stories, written under her own name for a change. These heroines were firm, frank and far more independent. But pinched by the Depression, Wirt soon returned to the fold—without, that is, giving up her other work. In 1944 she held positions as publicity writer for the Toledo Community Chest and as City Hall reporter at the *Toledo Times*. (Eventually, she went on to earn her pilot's license, and by the late 1960s she was writing an aviation column called "Happy Landings.")

In the meantime Adams, who was running the Syndicate almost single-handedly, had grown so fond of Nancy Drew—as a character and an asset—that her outlines and suggestions grew longer and more didactic. She smoothed Nancy's edges and kept her insulated from the world at large: during the war, scarcely mentioned, when women were entering the workplace in huge numbers, Nancy fretted over dances and dates. Soon Adams went so far as to assign Syndicate books to an in-house staff, which she could better control, and Mildred Wirt was summarily dropped.

In her evenhanded, sympathetic account of both Wirt and Adams, Rehak suggests that while each modeled Nancy Drew after herself, Adams, the female CEO, and Wirt,

IN OUR ORBIT

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By Studs Terkel. The New Press. 301 pp. $25.95.

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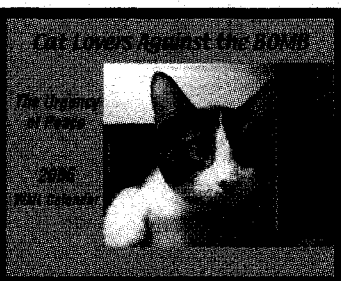

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the tireless author, together produced a female character ultimately impervious to the progressive trends each woman embodied. After the war, for instance, the conservative backlash against Rosie the Riveter made for a tamer Nancy, and even though sales declined in the 1960s, *Mademoiselle* magazine gave her a twelve-page spread in 1964. Feminism too was good for Nancy. With women, as Rehak puts it, "on the move at last," more than 30 million copies of Nancy Drew Mystery Stories were in circulation in 1969. And though Nancy was wearing loafers (no more high heels), spouting Shakespeare and driving a convertible (no more roadster), she managed to inhabit a world without hippies, protest, pregnancy or marijuana. "Nancy had successfully made the transition from the Atomic Age to the Age of Aquarius," Rehak quips, "and she had done it her way." Well, Harriet's way.

What of Carolyn Keene? With Mildred Wirt banished and her identity the kind of dark secret only Nancy Drew could divine, Harriet Adams, nearing 80, took full credit for creating the popular detective. But when she signed a more lucrative contract with Simon & Schuster and Grosset & Dunlap filed suit, Wirt reappeared, dryly remarking, "I am the only remaining ghost still alive." Going on the record for the first time, Wirt testified that she had written twenty-three of the first thirty Nancy Drews. Yet when Adams died in 1982, her obituaries claimed it was she who created the teen detective, and in a way that is true, too.

As for Nancy Drew, still popular, her continuing appeal is heartwarming and a little scary. Rehak exuberantly concludes that Nancy today still teaches readers "how to think for ourselves, how to jump eagerly into adventure and then get out of the scrapes it inevitably involves, how to get to the truth...how to dress properly for the events at hand, to make tea sandwiches and carry on polite conversation." This suggests, of course, that the cultural shifts documented by Rehak amount to nothing more significant than the changing length of one's hem. Tea sandwiches prevail. Rehak may be too stalwart a Nancy fan to trace the implications of her own argument: that Nancy Drew is Huck Finn in white-gloved drag. Never sad or wrinkled or fatally misunderstood, she "solves" our anxieties about womanhood by dodging them. And since she, unlike us, stays perpetually young, we tend to romanticize her maverick freedom, which otherwise might seem, alas, a quaint thing of the past, never realized, never real. ■

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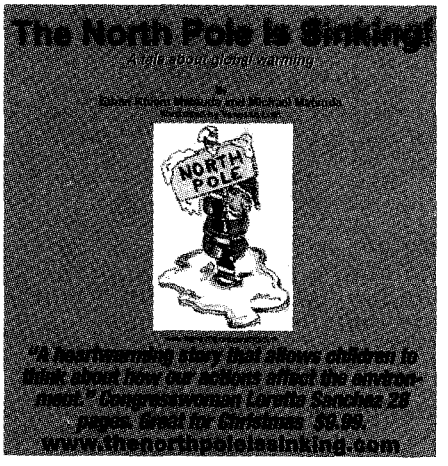

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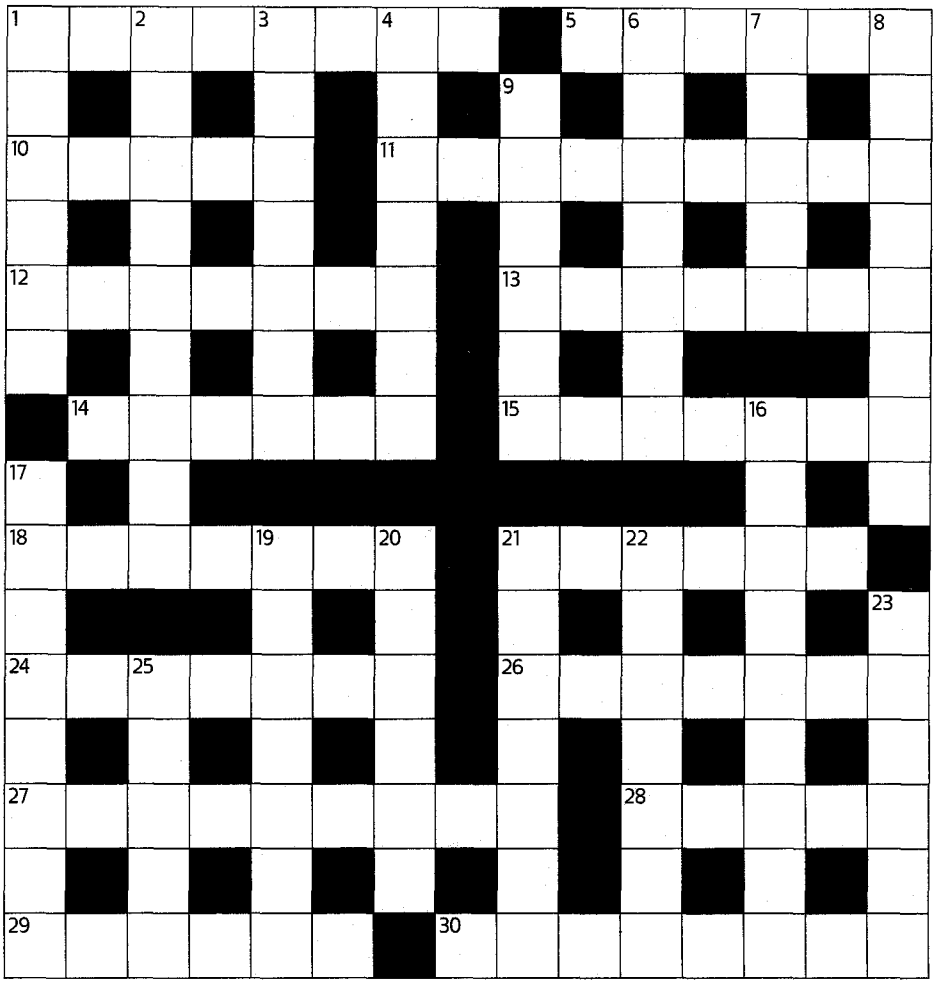

ACROSS

1 For a real race, it might be considered grand! (8)

5 Not likely to be actively engaged when what one gives the lawyer starts bleeding. (6)

10 Old books might become this, and have to end with your head. (5)

11 Toast perhaps is the most low-down thing to eat! (7,2)

12 The chief place for those who want to hear something others may not hear. (4,3)

13 His rank might be as an avatar to certain people. (7)

14 They were reputed to have powers of prophecy, spreading bliss around your head. (6)

15 Concerning a system of communication, you might be sorry if you show it. (7).

18 The old witch keeps a sort of band inside her purse, possibly. (7)

21 If it returns, like—a little "firm"—it would be a complete flop! (6)

24 Where the maid came from is a new place in the States—alternatively tilts in that direction! (7)

26 Almost the whole city goes on a sort of tear, to obtain salt possibly. (7).

27 The onetime musical director begins with opera and gets in backward more than once. (9)

28 Some people consider a leader grand to be not uniformly presented. (5)

29 and **30** Smoke some reefer with a single woman on mass transit to make an exit. (4,2,4,4)

DOWN

1 Lesser deities may be shown up, according to any MPH statistics. (6)

2 This devil is a disappearing marsupial, but sat up with a guy in a confused state! (9)

3 The journeys of a specific old-timer, or just any kind of wandering around? (7)

4 Supposedly a trailer parked with a car, but usually on display. (7)

6 What the "me" type shows when times go bad. (7)

7 The artist seems to be a pear-like type who goes to the capital of Holland. (5)

8 Makes up for a lot of things, proving former pirates don't have the right to show it off. (8).

9 Bram wrote about a rather bloodthirsty fellow in the guise of a shoveler! (6)

16 A fancy word for leftovers that get warmed up. (9)

17 It controls some things, like a rodent getting around those badly shown. (8)

19 Not quite how the New World was described, with some hysteria over what the show-off might display. (7)

20 It could be a rumor that the GOP's wrong but is rising within. (6)

21 The part of the crowd that has a loud behavior? (7)

22 Classical art shows up about the wrong time for one who is supposed to be rather moony! (7)

23 E.g., "I didn't do it!" as a possible lead-in. (6)

25 Proving one doesn't win improper roles here. (5)

SOLUTION TO PUZZLE NO. 3013

S	E	C	O	N	D	H	A	N	D		S	H	O	P
C		R		O		A		A		S		A		A
A	B	E	T	T	O	R		D	R	E	D	G	E	R
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S		R		C		C		I		D		B		L
T	A	K	E		T	H	I	N	G	S	E	A	S	Y

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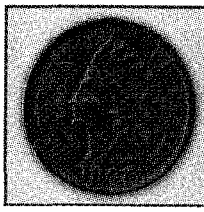

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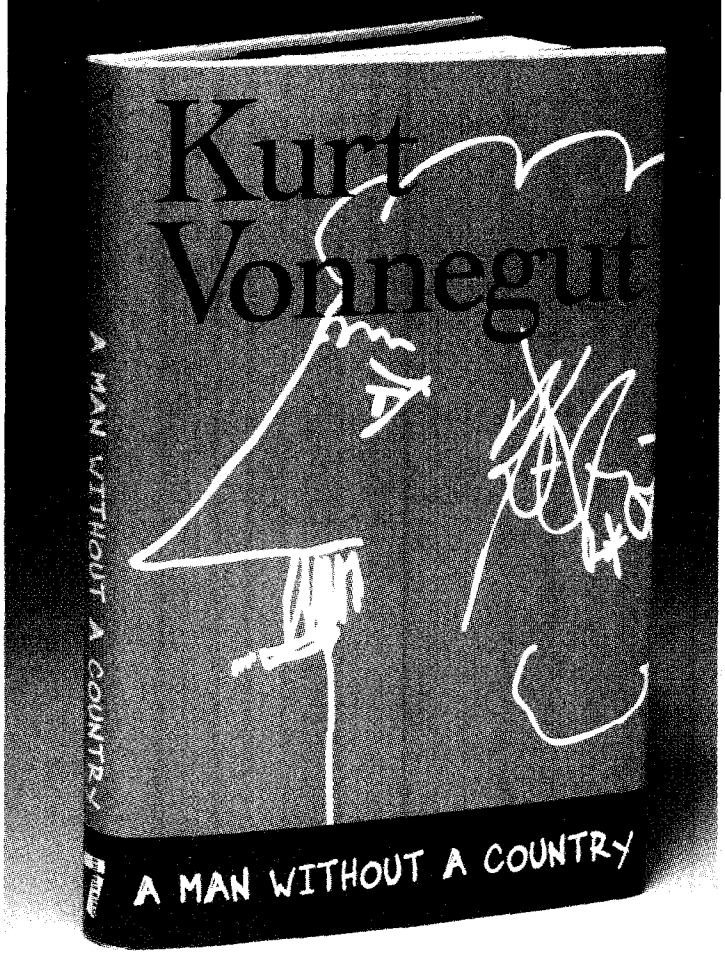

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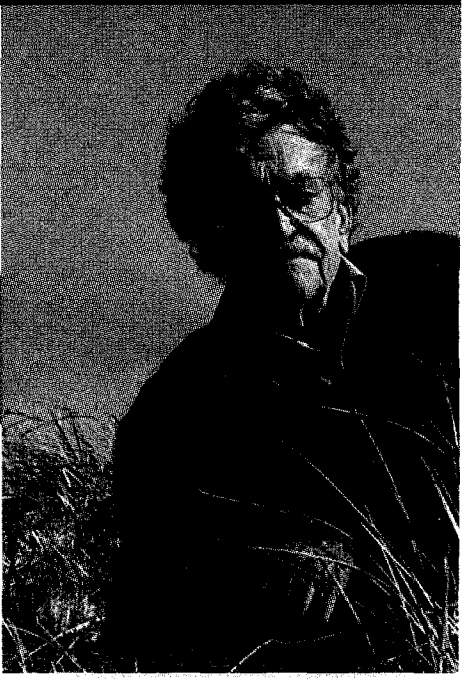

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